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SOME ASPECTS OF MARRIAGE AND THE FAMILY AMONG THE NUER

BY

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INTRODUCTORY NOTE

114 The Nuer of the Southern Sudan, whose family organisation and marriage rules are considered in this paper, live far from the Central African region which is the main field of the Rhodes-Livingstone Institute's research. However, here, as in all Dr. Evans-Pritchard's work, principles of social organisation are set out which apply throughout Africa, and not only to the tribe he studied. Evans-Pritchard's first analysis, of *Witchcraft Oracles and Magic among the Azande* of the Anglo-Egyptian Sudan (1936), illuminated systems of mystical belief throughout the world. His work on political organisation in relation to kinship and territorial groups in *The Nuer* (1940) and *The Political System of the Anuak of the Anglo-Egyptian Sudan* (1940), as well as his editorial introduction (with Fortes) to *African Political Systems* (1940), similarly advanced the approach of sociologists to these problems.

In 1938 Evans-Pritchard published an essay on *Some Aspects of Marriage and the Family among the Nuer* in the *Zeitschrift für Vergleichende Rechtswissenschaft*, at the request of Dr. Leonhard Adam, now Melbourne University Research Scholar in Anthropology. In this technical journal the essay was not only not available to laymen interested in African sociology, but also escaped the attention of professional Africanists. For example, in a critical review (*A Problem of Anthropological Approach*) in *Bantu Studies* of March 1941, of Evans-Pritchard's book *The Nuer*, Richards complained that he had not given data on the Nuer family which had in fact appeared in this essay. This applies also to a review by Forde written in October 1941 in the *Journal of the Royal African Society*. I have noticed a similar lack of knowledge of the essay in other recent sociological books on Africa; and indeed I have been unable to find any reference to it in the quarterly bibliographies on Africa which are published in *Africa*, the journal of the International Institute of African Languages and Cultures.

I myself from experience have learnt the value of this study of the Nuer family and marriage. I read it first just after I had returned from my first research field, Zululand, to England. In the Nuer institutions described by Evans-Pritchard (ghost-marriage, leviritic-marriage, woman-marriage-to-a-wife, widow-concubinage, etc.) I immediately recognised old Zulu friends, but as I read his analysis of the relation of these institutions to the principle of agnatic descent and the payment of bride-cattle, I realised how barren my own investigation into this problem had been. For distant though Nuerland is, the principles of their marriage rules appear in all East, Central, and South African tribes which are organised in patrilineal lineages. Therefore I suggested to Dr. Evans-Pritchard that he allow us to reprint this essay and make it available easily both to professional sociologists and to laymen interested in African social organisation, for it is undoubtedly among the most stimulating analyses of African

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life yet written. I am grateful to him for agreeing to my request. I also thank Dr. Adam, as editor at the time of the journal in which the essay appeared, for consenting to this reprinting.

The Institute in the next year will publish my own *Comparative Study of the Instability of Lozi Marriages*, where I found principles of family organisation whose contrast with those analysed for the Nuer by Evans-Pritchard was made clear to me by his study. Richards' *Bemba Marriage and Modern Economic Conditions* (Rhodes-Livingstone Paper No. 4) offers a further contrast in its analysis of marriage and the family in a matrilineal society.

Evans-Pritchard is on active service as this paper goes to press, and I have therefore compiled the index. This may therefore be arranged on a plan different from the one he would himself have adopted.

MAX GLUCKMAN,
Director, Rhodes-Livingstone Institute.

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SOME ASPECTS OF MARRIAGE AND THE FAMILY AMONG THE NUER

I

Ordinary domestic life as we understand it in our own country—that is the living together of a man and a woman and the children begotten of the man and born of the woman—is based on the union of marriage. Such domestic relations we call the family. Among the Nuer the family in this strict sense is found side by side with other, and different procreative and domestic groups.[1] 581

Nuer marriage is a union instituted by payment of cattle by the bridegroom and his kin to the kin of the bride, and by a lengthy sequence of ceremonies. The bride remains in her father's home till after the birth of her first child and only then does she form a common household with her husband, and only then is the union reckoned complete. When I use the term "marriage" in an unqualified sense I refer to this type of union, and when I use the term "family" in an unqualified sense I refer to the husband and wife and children of the wife born in the union of marriage (but not necessarily begotten by the husband). The terms "marriage" and "family" are used in this paper, when qualified, to refer to other types of union and to other groups and, in contrast to these, I sometimes use the expressions "simple legal marriage" and "simple legal family" for the union and group described in this paragraph. Every male Nuer desires to contract a legal marriage for the children he begets are then legally, as well as physiologically, his own offspring and will be named after him.

II

If a man dies before he has married a wife, or if, having married a wife, she does not bear male children (even after his death), one of his kinsmen must marry a wife to his name. Daughters are not regarded as heirs, because a daughter becomes one of her husband's people and her children belong to her husband's lineage. Nuer say *Nyal, mo ram me gwa* ("A daughter, that is an unrelated person"). If we wish to keep close to Nuer idiom and to appreciate rightly their understanding of this form of union we ought not to say that a man marries a wife to the name of his dead 588 768 [611]

[1] I have visited Nuerland on four expeditions. I spent just over a year there altogether. My first two expeditions were made on behalf of, and were financed by, the Sudan Government. My third and fourth expeditions were made as a Leverhulme Research Fellow. Further information about the Nuer will be found in the following papers: "The Nuer: Tribe and Clan", *Sudan Notes and Records*, 1933, 1934 and 1935. "The Nuer: Age Sets", *ibid.*, 1936. "The Nuer: Economic Life", *ibid.*, 1937 and 1938. "Daily Life of the Nuer in Dry Season Camps", *Custom is King*, London (Hutchinson), 1936. Since writing the present essay I published: *The Nuer: A Description of the modes of Livelihood and Political Institutions of a Nilotic people* (Oxford, Clarendon Press, 1940) and *The Nuer of the Southern Sudan* in *African Political Systems* (ed. M. Fortes and E. E. Evans-Pritchard) (Oxford University Press 1940).

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588 768 kinsman but that he marries his dead kinsman a wife. Nuer say of a man *Ce deman kwen cek*, " He (*ce*) his brother (*deman*) married (*kwen*) a wife (*cek*) " i.e. he married his brother a wife. This is a clumsy and ambiguous expression in English so I shall frequently speak of a man marrying a wife to the name of a dead kinsman. I ask readers to remember that it is not he, but the dead man, who is the legal husband.

The obligation to marry a wife to the name of a dead kinsman is invariably carried out when the dead man has any close kinsmen to interest themselves in saving his name from oblivion. No initiated male (*wut*) should be allowed to lie in his grave unremembered in his children and Nuer say that if an uninitiated boy dies " after his testicles have fallen ", that is, after he has reached puberty (*juil*), he must be married a wife. They often state this rule by saying that a boy must be married a wife " after he has gone among the cattle " or " when he knows all about cattle " (*Ce pek ghok ngac*). I have even been told that a boy who has had his second lower incisors removed ought to have a wife, but in practice a small boy who dies is not married a wife unless he is a first-born son and then only if his ghost troubles his kinsmen in dreams or shows its displeasure by killing members of their families. It seems preposterous to Nuer that a dead man without heirs should not be married a wife and that a kinsman should not raise up seed to him. They always expressed great astonishment when I informed them that we do not have a similar custom, believing that no society exists which does not enforce so elementary an obligation of kinship.

588 768 581 When asked why they marry wives to dead men Nuer say that until a man marries and begets children he has not reached full manhood, and that a man desires children who will keep his memory green and to whom he can make his wants known in dreams. A ghost likes to think of people asking " Whose son is that ? " and being told in reply that it is the son of so-and-so. Thus his name continues on the lips of men. They also say that if the kin of a dead man neglect to provide him with a wife he will haunt them. In my discussions with Nuer on this subject they almost invariably stressed anger of the ghosts as the sanction for their obligations to dead kinsmen. " The ghosts are bad and if you do not marry them a wife they will not spare you." A ghost will bring evil upon (*cien*) the family of a man who fails to do his duty.

588 768 This is a vicarious marriage. The vicarious husband acts as though he were the true husband in the ritual that precedes and brings about marriage, and in domestic duties when he and his " wife " begin to share a home. In his physiological and domestic roles he is husband in all but the strict legal sense. In everyday usage people speak of him as the husband of the wife so that it is only by enquiring that one learns the man to whose name she was ceremonially espoused. Nevertheless, it must be clearly understood that the legal partners to the union are not the man and woman living together. The legal husband is the ghost in whose name the bride-cattle were paid and the marriage ritual performed. Moreover if we speak of the group consisting of a woman, her vicarious husband, and the children born of the woman and begotten of the man, as a " family " we

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can only do so in a qualified sense. However, it is difficult to construct an adequate terminology to describe every type of Nuer procreative union and bio-domestic group, and we shall have to compromise between the requirements of strict social morphology and the privilege of everyday speech. In speaking of the union between a man acting in the place of a ghost and his "wife" I shall speak of "ghost-marriage" and likewise I shall call a child born of such a union, and begotten by the man who stands in the place of the ghostly pater, a "ghost-child". In this I conform to Nuer usage for they speak of a woman so married as a *cek jooka* ("the wife of a ghost") and of her children as *gaat jooka* ("children of a ghost"). We may therefore describe the family that develops out of a ghost-marriage as a "ghost-family" in acknowledgment of the ghostly status of the pater of the children. Their genitor and foster-father has the status of vicarious husband to their mother. A ghost-family is therefore a variety of the legal family. The legal family is contained in its structure.

It would be pedantic to refuse the word family to the group consisting of a woman, her vicarious husband and her children by him, for he not only stands in the place of the husband and in the place of the pater but his behaviour towards his "wife" and "children" is, at any rate during the minority of his sons, indistinguishable from the behaviour of a man who is husband and pater in full legal sense. It would give a false impression were this group to be called a "natural family" in contrast to a "legal family" because the woman's partner has the same legal rights over her as her husband would have were he alive, and he exercises the same authority over his children in their minority as their pater would do. During the minority of the children the legal family and this other group in which one member plays a vicarious part are alike in patterns of behaviour and sentiment. At that time it is only in a formal legal sense, particularly with regard to descent, that they differ. It must be understood, therefore, that when I speak of a ghost-marriage I refer to a union of three persons, a ghost and his wife and the man who takes the place of the ghost in marital relations, and the children born of the wife. Using this terminology, which I admit is clumsy, the difference between a legal marriage which is an actual marriage and a legal marriage which is a ghost-marriage is that the first is a union of husband and wife, while the second is a union between ghostly husband, pro-husband and wife; and the difference between a legal family which is a simple family and a legal family which is a ghost family is that the first is a group consisting of a husband and wife and children born of the wife in the union of marriage, while the second is a group consisting of a ghostly husband, a pro-husband, a wife, and children of the wife born in the union of marriage. It must be remembered that the pro-husband is not the pater of the children.

When Nuer speak of a ghost-marriage they generally say that the vicarious husband has "kindled the fire of the dead." Thus when a man marries his father's brother a wife they say of him *Ce mac gwanlende pet*, "He has kindled the fire of his father's brother."

A very great many Nuer domestic groups are ghost-families. They must be almost as numerous as simple legal families. Not only do many

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588 youths die before marriage—and this was yet more the case before the
768 Government restricted fighting—but, for one reason or another, married men do not always leave male children to continue their line. A man's children may die. He and his wife may die. His widow may have no children or go back to her own people and be married to another man. He may beget only daughters.

Even if a man begets sons who become initiated men he may leave no male heirs for these sons may die before they have married and begotten children. In this case a man's kinsmen must raise up seed not only for him but for his dead sons also. Thus in Diagram No. 1 A ♂ dies leaving two initiated sons B ♂ and C ♂ both of whom die unmarried. E ♂ will then marry A ♂ a wife (N ♀) with A's cattle and by her beget F ♂ and G ♂. When F ♂ and G ♂ reach manhood they will marry wives (Q ♀ and Z ♀) to the names of their brothers, C ♂ and B ♂, before taking wives to their own names.

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768
Ill

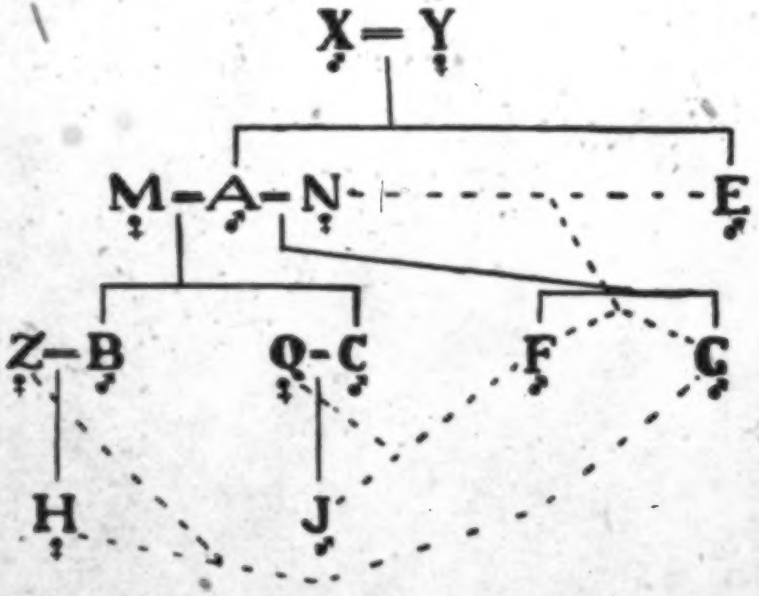

Diagram I

Moreover all the men who in the last generation married wives to the names of sonless kinsmen and were unable to marry further wives in their own right are legally childless because the children they have begotten count as children of the kinsmen to whose names the wives were married. It is the names of these dead kinsmen, and not their own names, which will ultimately survive as links which attach children to their trees of

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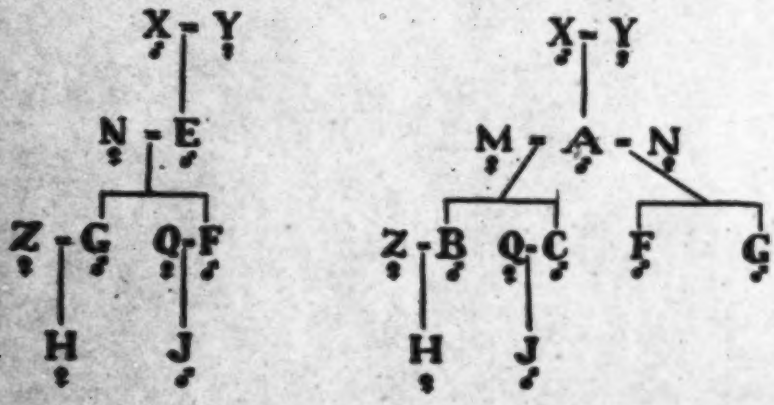
ascent. Thus in Diagram No. 1 F ♂ and G ♂ take wives to the names of C ♂ and B ♂. The children of these unions (J ♂ and H ♀) are children of C ♂ and B ♂. Therefore F ♂ and G ♂ will be left childless if they cannot afford to marry further wives in their own right. This frequently happens when there is a large family and one brother marries another, and dead brother, a wife, for the living brother may never again be rich enough to contract a legal marriage on his own account. He enjoys the material advantages of matrimony in the person of his brother's wife and his younger brothers have the right to marry wives with the family herd before he can contract a legal marriage. If, in this way, a man marries a wife to the name of a dead brother and does not later marry a wife of his own, then one of the sons he has begotten (his physiological sons and legal nephews) will marry him a wife after his death.

During the childhood of ghost-children the fact that in legal reckoning their father is a ghost is of small importance, since their relations with their genitor are exactly what their relations with their pater would be, were he alive, but after the ghost-sons are initiated their relationship to their pater has more significance since it confers on them legal and ritual privileges. The man who stands in the place of the pater may be all-important in his lifetime but the pater's name looms larger when the children grow to maturity and, Nuer tell me, it is the pater's name that will finally survive in genealogies at the expense of the vicarious parent. This point will be more readily understood later but it is worth contrasting here, as is done in Diagram No. II, the legal descent of the persons shown



Natural Descent **Legal Descent**

Diagram II

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588 in Diagram No. I with their natural descent. J. ♂ will trace his ascent to
768 X ♂ through C ♂ and A ♂ and not through F ♂ and E ♂.
611 The commonest ghost-marriages are instituted on behalf of brothers, paternal uncles, maternal uncles, and fathers. By "fathers" is here meant physiological fathers though occasionally a man honours his true father (his pater and genitor) by marrying him a wife after his death, although this is not necessary because the man already has heirs.

582 Though a sister's son may marry a wife for his maternal uncle, a
588 maternal uncle is forbidden to marry a wife for his sister's son. Nuer
768 have even told me that it would be "incestuous" (*rual*) were he to do so. I was told, however, that a maternal uncle may espouse a wife to his dead sister's son so long as he does not himself have intercourse with her but allows a stranger, most likely a Dinka, to beget the children. The Dinka is also said to take the place of the husband in the marriage ceremonies during which the maternal uncle addresses his sister's ghost: *Nyimar, Jangemo, be mac gaanku pet* ("My sister, this Dinka will kindle the fires of your children" i.e. give them posterity). I have not recorded any actual arrangement of this kind and it is possible that it is the sister and not the sister's son who is married a wife.

Likewise a man's father, either pater or genitor, and his father's brother would not marry him a wife. It would seem that a man of a senior generation is not allowed to marry a wife to the name of a kinsman of a junior generation because the man would then be both vicarious husband to the wife and her father-in-law. One Nuer whom I asked why a maternal uncle might not marry his sister's son a wife replied "He is her (the wife's) father-in-law (*gwanhu*)". A husband's mother's brother counts as a "father-in-law". A man may not marry his father's sister's son a wife because he would be doing so with the cattle of the ghost's maternal uncle.

Also a man never marries a wife to the name either of his father's father or of his mother's father. It was the duty of their sons to have done this. *Gwan naru me ce lieu, ci ye de kuen cek*, "The father of your maternal uncle who has died, you may not marry him a wife."

428 In those cases I have investigated where a man has married his maternal
588 uncle a wife he has done so because he has obtained possession of his
768 maternal uncle's cattle. A man without sons or brothers may die and his cattle pass to his sister's son on the understanding that he uses them to raise up seed to his uncle. Members of the maternal uncle's lineage will not object to this procedure though they sometimes expect the sister's son to come and live in their village and raise up seed to his uncle in his uncle's old home. Occasionally it happens that when a girl is married her maternal uncle and his near kin are already dead so that there is no one to receive "the cattle of the maternal uncle". This part of her bride-wealth therefore goes to her brother in order that he may use the cattle to marry his dead uncle a wife. However, when a sister's son marries his maternal uncle a wife it is only in the absence of a close agnatic kinsman. He is not the most approved substitute for the dead man and acute difficulties may arise later between the children he has begotten and himself.

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If a man without male heirs dies in possession of cattle it is more than ever incumbent on his relatives to marry him a wife. These cattle, *ghok jookni* (" cattle of the ghosts "), are sacred and ought not to be used for any purpose other than marrying wives to the dead. If a member of the homestead of a dead owner of cattle commits homicide or adultery, and the kraal is raided to obtain compensation, the raiders will not seize " the cattle of the ghosts". Thus if a man leaves five head of cattle behind him these are kept in the kraal till they increase to a large herd. One of his kinsmen then takes a wife in his name to raise up seed to him. This man may take what cattle remain after the bride-wealth has been paid and do what he pleases with them. 585 768 428

When a man marries a brother a wife it is considered proper for a younger brother to take a wife for an elder brother though it is not forbidden to an elder to marry a wife to the name of a younger. As brothers marry in order of seniority it is fitting that when it comes to the turn of the dead man to take a wife the brother next junior to him should marry a wife to his name. Nevertheless if the next brother is only a father's son to the dead man and there is a still younger brother who is his mother's son it will be left to his mother's son to do his duty to the dead, and the father's son will marry a wife in his own right. 588 768 593

Only a kinsman takes a wife to the name of a dead man. An unrelated person would never do so, though in exceptional circumstances a kinsman might marry a wife to a dead man and allow an unrelated man to cohabit with her and beget children of her.

I shall discuss later in what way a simple legal family with a living pater differs slightly in sentiments and domestic inter-relations from a ghost-family with a dead pater, but it may again be emphasized here that they are very different in respect of the formal status of their members to one another. The physiological and foster father is not the husband of the mother but stands in the place of the husband. Also the children born of the mother are not his sons and daughters but his kinship relationship to them is determined by the genealogical link between himself and the ghost-father. Thus in Diagram No. III if F ♂ marries a wife to his

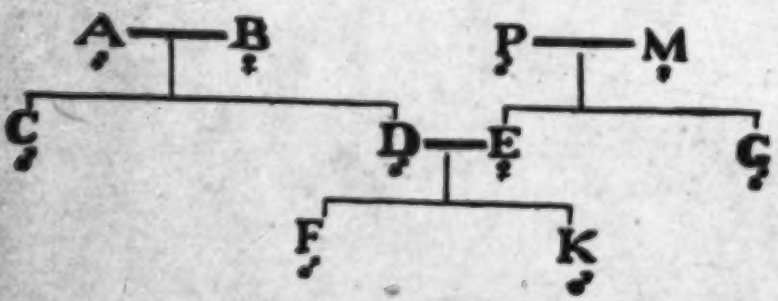

Diagram III

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588 768 593 paternal uncle, C ♂, the son whom he begets is his paternal first cousin (*gat gwanlen*). If he marries a wife for his father, D ♂, a son born of the union is his father's son (*gat gwan*). If he marries a wife for his brother, K ♂, a son born of the union is his brother's son (*gat dɛman*). If he marries a wife for his maternal uncle, G ♂, a son born of the union is his maternal uncle's son (*gat nare*). In none of these instances is the child his son (*gatde*).

588 768 835 Occasionally women marry wives to the names of dead kinsmen and yet more rarely, a man marries a wife to the name of his dead sister if she was barren (*cek ma rol*) "for she then counts as a man." The children of this union are called after the dead woman and her brother who begets them has the status of their paternal uncle "for his sister has become his brother", and on the marriage of the daughters he gets the cattle due to a paternal uncle. In Lou country where I was informed that such marriages occasionally take place I was also told that the brother who takes a wife to the name of his dead sister may not have sexual relations with this wife: He builds a hut for her in his homestead and there she cohabits with a neighbouring stranger or Dinka. The reason given for this prohibition was that in such a marriage "your wife is like your sister" i.e. she stands in the place of your sister. I have recorded only one such marriage: the Lou prophet Deng married a wife for one of his sisters with the blood-cattle paid in compensation for her death by the Ngok Dinka who had slain her.

588 768 428 I was told also that a man may marry a wife to a dead paternal aunt who was barren during her lifetime. When I asked Nhial Mitmit whether a man might marry a wife for his mother's sister he replied: "No, certainly not. Is she not your mother's sister? She has a brother who can marry her a wife if necessary. It is your business to marry your sister or your father's sister a wife. You restrict yourself in this respect to female paternal agnates. On your mother's side it is the duty of your mother's male kinsmen." Nevertheless, this is a statement that requires more confirmation before it can be accepted because Tutrial, an excellent informant, told me that very occasionally a married woman who has died without issue is married a wife by her sister's son. From time to time daughters of the dead woman's brothers and sisters are married and had she been alive she would, on such occasions, have received a "cow of the paternal aunt" or a "cow of the maternal aunt". One of her sisters receives these cows in her place and she may use them and their increase to obtain a wife to stand in the place of her sister, to bear children to her sister's name. Tutrial said that she would persuade her son to act as husband to her sister's wife. The dead woman now counts as a man and her children may some day join her own people and leave the village of their genitor (their mother's sister's son). When the daughters of this union are married the cattle of the bride-wealth on the father's side go to the dead woman's kinsmen because she is the pater. Since she counts as 588 768 a man the genitor will not get "the cow of the mother's sister" but "the cow of the father's sister"

These vicarious marriages by women or on behalf of women are very

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rare and of little social importance. I know of no cases at first hand and am therefore unable to vouch for the information given to me and to say what are the interrelations between the people concerned. On the other hand ghost-marriages in which a man takes a wife to the name of a dead kinsman are so common that several cases can be recorded in even the smallest village. A large number of such unions are listed and shown diagrammatically later in this paper so that I will only instance a single typical case here. Most of the people in Diagram No. IV belong to the Thiang tertiary section of the Lou tribe and dwell at Kurmayon on the Sobat River. Thiep ♂—Gol ♂ was slain by Dinka and his sister's son, Duob ♂, married him a wife, Kan ♀—Bie ♂. Kwany ♂—Thiep ♂, my informant, was born of this union. Loc ♂—Buai ♂ (or Loc ♂ -Nyakweka ♀ as we called him at Kurmayon, his mother's village) was slain during fighting between the Thiang and the Yol tertiary sections. His brother's son, Lam ♂ -Duob ♂, has married him a wife, Nyabiem ♀—Bel ♂. It is worth noting that Kwany ♂ gave several cattle to marry Nyabiem ♀ to Loc's name because Loc ♂ is his father's sister's son (he used to speak of him as *gat gwar*, "son of my father").

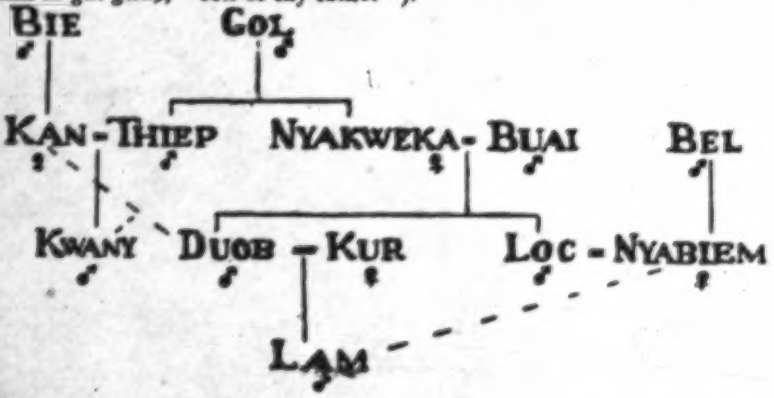

Diagram IV

Another type of procreative union results from the custom of the levirate. When a man marries, his kinsmen provide the bride-cattle and the cattle go to the wife's people and there breed and provide them with food, and with cattle for their own marriages. The wife leaves her kinsmen and becomes one of her husband's people. Her reproductive and economic services are not due to her husband alone but to all her husband's near kinsmen who speak of her as "our wife". If the husband dies Nuer do not regard the union as broken. The wife continues to bear children and, whoever may beget them, they are counted as children of the dead man. But though the status of the genitor does not affect the children, who take their status from their pater, it is considered that a

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587 588 768 woman ought, on the death of her husband, to go to live with one of his brothers, since she was married with the cattle of their kraal. This is not a re-marriage. The woman is still wife (*cek*) to the dead man but she lives with one of his brothers who takes the place of her husband, raising up seed to his name, and acting as foster-parent to the children and bread-winner to the family. Nuer never allow one to use the word "marry" (*kwen*) in this connection and I have sometimes provoked them to merriment by this mistake. They usually say *Ce cek deman lath dwil*, "He has provided his brother's wife with a hut". We may nevertheless speak of this form of cohabitation as leviritic marriage. Nuer regard it as [186] so desirable and logical a custom that I always had the utmost difficulty in explaining to them that in our country a widow may remarry. They wanted to know how this could be so when cattle had been paid and were scornful at the information that in Europe we do not pay bride-wealth.

587 588 593 Leviritic marriage is very different from ghost-marriage as will be seen when we consider the relations between the children and their genitor. It may be said whereas a ghost-marriage means that the vicarious husband actually marries the wife in the sense that he pays the cattle and performs the ritual of marriage, even though it is to the name of another, in leviritic marriage the legal husband has performed these actions and the brother merely enters as pro-husband a family already in being. The widow is always known as the wife of the dead man and the children clearly regard themselves as members of a legal family to which their pater's brother does not belong. The brother has less control over the widow than a man has over his partner in ghost-marriage and he may be opposed by the sons when they grow up.

Although this is not a marriage in the Nuer sense I use the expression "leviritic marriage" for want of a better and because I wish to emphasize the brother's legal position as pro-husband, for he has legal claim on the services of the widow in virtue of his kinship to the dead man. It was not the dead man alone who took her for wife but it was the brothers as a whole who married her with their cattle. If she refuses to live with him he can, in certain circumstances, divorce her, and if another man has relations with her while she is living with him he can sue the man for adultery. Leviritic marriage, therefore, like ghost-marriage must be conceived of as a variety of legal marriage, being a union between three persons, the dead husband, the pro-husband who is also the dead husband's brother, and the wife. It differs from a ghost-marriage in that the husband and wife at one time lived together in matrimony. A leviritic family, on the same principle, consists of the dead husband, the pro-husband who is also the dead husband's brother, the wife, and the children born of the wife. It generally differs from a ghost-family in that the children, or some of them, were begotten by the dead husband. Such a child is therefore a *ret*, or orphan, and not a *gat jooka*, or ghost-child. Here again the pro-husband can never be pater to children born of the wife, whether begotten by the dead man or by himself. The simple legal family is contained in the structure of the leviritic family as it is contained in the structure of the ghost family.

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Most African societies practise the levirate but the Nuer regulation by which the widow is still married to her dead husband profoundly modifies the practice in their society. It gives the simple legal family great stability and durability. The domestic group, the household, may break up through the death of the father but the simple legal family, the group of husband, wife and children born of the wife, endures. The personnel of the household may undergo many changes but the institution of the family is fixed by payment of bride-wealth which determines who is pater to any children born of the wife, whether the man be alive or dead. The family structure survives dispersal of its members and even the death of some of them. 587 768 592 593

But, although a wife is tied legally to her husband after his death, she has far more actual freedom than in societies where she can be remarried by one of her husband's kinsmen. The fact that she cannot become the legal wife of one of her dead husband's brothers considerably lessens their control over her. After her husband's death she can continue to perform her procreative obligations to him by bearing him children as well by a stranger as by one of his brothers, and she can rear her children in the home of a stranger as well as in the home of her husband's kin. Moreover, if during her husband's lifetime she bore him children her domestic and economic duties to her husband's people are adequately performed by her services to his children. In these circumstances, as will be explained more fully later, the husband's kinsmen must give her her freedom. 587 593 562

Leviritic marriage normally means the cohabitation of a man with his dead brother's wife. Sometimes, however, she lives with one of his sons. If a young man dies his children will not be old enough to take his wife. Also he is most unlikely to have another wife than their mother. Moreover, he probably has younger brothers who, being yet unmarried, have first claim on her services. When an old man, who has married several women, dies it is probable that most of the wives will be old also and elect to live with their own sons and daughters, or, if they wish to continue sexual relations, will choose to live with a lover who is not of their husband's kin. It is only when an old man dies who has lately married a young wife (who has not yet born him children, or who has born him a single child), and whose brothers are all married, that a son takes his father's wife. 587 768

Generally a young widow lives with a brother of her husband and it is only when there are no brothers living that she takes a lover from an unrelated, or distantly related, lineage. Tradition, good form, and threat of divorce, are powerful sanctions to conformity in this respect, though these influences are not so strong in the case of a half brother as in the case of a full brother, for a father's son of the dead husband has not the same claim on the services of the widow as a mother's son. Indeed, I was informed, among the Eastern Nuer especially, that a clear distinction is made between full and half brothers in respect of widows. After the death of a paterfamilias the children of each of his wives often live as largely independent economic units. If the mother is alive she cooks, 587 768 593

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587 768 593 milks the cows, and performs other domestic services for her sons. If she is dead and her eldest son is married his wife acts as a cook, housekeeper, and dairy maid, for her husband's brothers and sisters. Unmarried youths are then dependent on the wife of a full brother for daily necessities and if he dies and his wife does not consent to live with one of them they lose not only a sex-mate but also a housekeeper, cook, dairy maid, and gardener. They therefore strongly object to her going to live with a lover outside their village. If they are on good terms with their half brothers they will not resist her desire to live with one of them but will group themselves around the half brother whom she has chosen to live with, and will share his byre and enjoy the services of their dead brother's widow in his homestead. I was told that if they are not on good terms with their half brothers they may object to the widow living with one of them and may tell her that if she refuses to live with a full brother of her husband she had better take a lover outside their kin and bear children to the dead husband by a stranger. Occasionally a widow lives with her husband's sister's son.

The very limited control of brothers over the widow of one of them is seen in domestic facts rather than in legal theory. In fact many Nuer widows do not live with kinsmen of their dead husbands. Among the Eastern Nuer it is hoped and expected that a young widow will consent to live with one of her husband's brothers or sons and her husband's kinsmen try to persuade her to accept this arrangement; but it is rare for them to force her to choose between divorce and leviritic marriage and, if she declares firmly at her husband's mortuary ceremony that she will not live with one of his kinsmen, they permit her to take any lover whom she chooses. She then goes to "Give birth in the bush" (*dieth dor*), as the Nuer say. This means that she either continues to occupy her dead husband's homestead and there cohabit with one of the villagers, or that she leaves the village and goes to live as concubine to a stranger elsewhere. [848] [611] Her husband's people permit her to take this course because all the children she bears are their children, being counted as sons and daughters of her dead husband. Her husband's people have legal rights over the children and may take charge of them in which case the mother, when she is old and past child-bearing, will probably return to her husband's home to be with her grown-up sons. "When a widow who has gone to live with a stranger is old and can bear no more children she will cease to wander and will return to her husband's people and settle there with her children."

Among the Western Nuer the kinsmen of a dead man insist that if his widow has not borne children, or has borne only one child, she must live with one of them. If she refuses they may claim back their bride-cattle [586] i.e. divorce her. If she has borne one child they leave six head of cattle with her parents to retain control of the child and to affiliate him to their lineage. But if she has borne two or more children to her dead husband his people cannot claim back their bride-cattle if she refuses to live with one of his brothers. *Ghok te jokdien ka nath caa ka de lony*, "Cattle which have children on their backs cannot be returned".

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The attitude of the kinsmen depends largely on the widow's behaviour. 587
If she refuses to live with one of them but consents to remain in their 768
village, as a member of their *gol* or homestead, and there bear children to 593
her dead husband by a man who is not of their kin they cannot easily find
fault with her, and even if she has not borne her husband two children
they are unlikely to divorce her for the children she bears are not only
legally of their kin but are born amidst them and reared by them.

A widow is always asked at the gathering of her husband's kinsmen at [764]
his mortuary ceremony, on "the day of evil" (*cang giekni*) when they
purify the mourners and send the ghost away from them, whom she
wishes to live with. I was told that if she refuses the sons and brothers of 587
her dead husband they ask her *Ceke, guri bi wa lum dor kie bi lum cieng?* 768
"O woman do you wish to become a concubine away from the village or 593
to be a concubine at home?" A Nuer told me that on such an occasion 837
Cek me kere wide yar be lar "*Ghan gan ca be wa lum gwadh dodien, Me ca* 591
gat coada gur, ba lum golkun", "A woman who is not a fool will say, 'I
will not seek a lover in another place. Though I do not want a son of my
husband I will take a lover in your home'". She will then cohabit with
a member of her husband's village, maybe one of his more distant male
kinsmen, maybe a villager of a different clan. Everyone is satisfied with
this arrangement, for she still remains a member of their *gol* and her lover
is a member of their village and he not only begets children for them but
also becomes the protector and bread-winner of the surviving members
of their dead kinsman's family. Sometimes the lover is not a member of
the dead man's village but is a man of a neighbouring village who visits the
widow there from time to time to cohabit with her and assist her in horti-
cultural labour.

Widows who decide to leave the homes of their dead husbands often
return to their own people and take lovers in the villages of their brothers.
Thus, as will be seen later in the charts and diagrams referring to the
village of Nyueny, we often find matrilocal and patrilocal residence side
by side owing to the return of widows, bringing their children with them,
to the homes of their kinsmen. It thus often happens that children are
brought up among their maternal relatives.

Often widows neither remain in the homes of their dead husbands nor 587
return to their kinsmen, but go to live with lovers, sometimes in different 768
districts and even in different tribal areas. If their children by their 593
husbands are small they may take them with them so that during child- 591
hood they are members of the households of the lovers of their mothers.
These men act as foster-fathers to the children.

It is impossible to say in advance which course a widow will pursue.
Much depends on the character and social position of the husband's
kinsmen and upon the strength of kinship sentiment among them. If
there are full brothers of the dead man they may consider it their duty as
well as their privilege to retain the services of "their wife", especially if
she is young and they are unmarried. If there are only half-brothers of
the dead man and still more if there are no brothers at all but only cousins,
they have less control over the widow and less sense of obligation to the

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587 768 593 591 dead, so that they may view with equanimity the departure of the widow and her children, having no feelings of close parentage towards the sons and being assured that they will receive whatever bride-wealth is their due on the marriages of the daughters, wherever they may be brought up.

[611] Most depends upon the decision of the widow herself (*riet cek*). If she determines to live away from her husband's village with a stranger his kinsmen warn her that any children she may bear are the children of her husband and that one day they will bring them to their father's home. Among the Eastern Nuer, only if she does something that deeply offends [586] them will they divorce her. Among the Western Nuer they may divorce her if she has not borne her husband two children but how often this is done I cannot say.

Occasionally, I was told, a man directs (*nop*) from his deathbed that a certain kinsman is to live with his wife. It is difficult for a woman to defy [776] such an injunction because Nuer believe that if she does so the ghost of her husband will haunt her and she will cease to bear children or her children will die.

587 611 A widow who lives with a stranger after the death of her husband is called *cek ma lak* and a child born of such a union is called *gat laka*. The children of a widow wherever they are born, or by whomsoever begotten, count as children of her dead husband, the man to whom she was married by payment of cattle, whether she was married to him in his lifetime or vicariously after his death. If the husband dies, or was already dead before his marriage, the actual configuration of the household may alter but the formal structure of the family remains the same. Indeed the family may never be a group of people with real interrelations because the husband and the father may have died many years before his marriage to his wife and the birth of his children. Among Nuer the pater is the husband to the mother. His legal fatherhood is defined by his status to the mother of the children and not by his physiological functions.

587 593 A *cek ma lak* is translated in this paper as " widow-concubine " for she is living simply as a concubine to her lover and he has no legal rights over her. He cannot compel her to live with him and cannot claim compensation if she commits adultery. He has no legal control over the children who can be taken away from him by her husband's kinsmen whenever they choose to remove them. His position is thus very different from that of a man living with his dead brother's wife. If she leaves him he can divorce her and if she commits adultery he can obtain redress. Moreover, he has legal control of the children during their minority and no one can take them from him as he stands in the place of the pater.

The group that results from the union between a man and a widow-concubine when the children are born by the concubine to her lover is a natural family which stands in what is sometimes glaring opposition to the legal family. The corner-stone of the natural family is the genitor who is acting as husband and foster-father. The corner-stone of the legal family is the dead husband and pater. According to circumstances the position of the genitor in a household of this kind may be precarious or his relations to members of his natural family may approximate to

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those of a pater towards members of a legal family. It must be emphasized that while the natural family is not a legal family the position of the genitor is socially recognized in a number of ways and that the natural family is often a group of persons living in a common household and cooperating in economic and other domestic undertakings. Widow-concubinage is not a purely biological union nor is the natural family a purely biological group. 587 593

Sometimes a widow elects to live with a clansman of her husband. In this case Nuer speak often of his relationship to the widow as leviritic marriage but this is by courtesy and his legal position is not much better than that of a totally unrelated man would be. I only speak of leviritic marriage, therefore, when it is a brother or son of the dead man who takes his wife.

The simple legal family is not contained in the structure of the natural family in the way it is contained in the structure of ghost-families and leviritic families, and the natural family cannot be regarded as a variation of the legal family, because, whereas in ghost-families and leviritic families the legal representative of the pater is the foster-father, and maybe the physiological father, of the children, in the natural family the legal representative of the pater is not the physiological nor entirely, if at all, the foster-father of the children. In fact, as we shall see later, there may be a struggle between the interests of the natural family and the interests of the legal family, as represented and expressed by the legal representative of the pater.

It will have been seen that the role of a father among the Nuer is often split and different parental functions are performed by different men. The man who was married to the mother of children at the time of their birth we may call the pater or legal father. The man who begot the children we may call the genitor or physiological father. The man who who acts as protector and bread-winner to the household of which the children and their mother form part, and who performs all those intimate services towards the children which are generally associated with the status of father, we may call the foster-father. I refrain from calling the pater the sociological father because all the men who perform these different functions receive social recognition.

When children are born in the union of simple legal marriage the same man is pater, genitor, and foster-father. When children are born in the union of ghost-marriage or in the union of leviritic marriage one man is the pater, and another man is both genitor and foster-father. When children are born of a widow-concubine, the pater is her dead husband, the genitor is her lover, and the part of foster-father is played in early childhood by her lover, or lovers, while in later childhood and in adolescence it is often played by a kinsman of the pater. 611

IV

588

In true marriage, ghost-marriage, leviritic marriage, and widow-concubinage a mother is always legally married and all her children belong in virtue of her marriage to her husband's lineage and clan. But there are 848 611 593

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588 848 611 593 also in Nuerland many children born of unmarried mothers and children born of an unmarried mother may belong to different social groups, because their physiological fathers have a right to pay a fee of from four to six head of cattle to legitimatize their natural children. The payment of a fee makes the child a member of the genitor's household. The genitor of the child of an unmarried woman is also his foster-father if the man and woman continue to live together. If the woman takes a new lover she goes to live with him and if her child is small she takes it with her. In this case the genitor is one lover and the foster-father is another lover but when the child is older he becomes a member of his genitor's household. A child of an unmarried woman has no pater but his genitor becomes his pater, on payment of a fee (*ruŏk*). This fee becomes the property of the woman's father and is not divided among her kinsmen as bride-wealth is divided.

Many a Nuer girl finds cohabitation with the husband to whom she has been espoused too painful to continue and if she is stubborn she will provoke a divorce. This may happen a second time with a second husband and her parents finding they are unable to crush their daughter's rebellious spirit let her do as she pleases since constant return of her bride-cattle involves them in trouble and difficulties. Such a girl thereupon cohabits with a man of whom she is fond. If she is restless she may spend a few years with one lover and then a few years with another. She moves from village to village taking her infants with her and bearing children by a number of different men. In every Nuer village where I made enquires I have found one or two unmarried mothers. Nuer call an unmarried mother (*cek ma kea*) and in this paper they are referred to as "unmarried concubines". The child of an unmarried concubine is a *gat keaka*.[1]

588 [848] In some respects the social position of unmarried mothers, and their children, is not as high as that of wives, and of children born in wedlock. The mothers do not stand so high in public esteem and in a quarrel a man may throw the reproach of bastardy at the child of an unmarried concubine. A man who has begotten a child by an unmarried concubine is seldom eager to legitimatize his union with her by payment of bride-wealth because these women are known to be restless and he expects that she will one day leave him as she has left a previous lover to come and live with him. But they are not treated as of inferior status and their lovers behave towards them as towards wives—in fact they often treat them better than wives for if a man fails to treat his concubine well and to perform those services to her which a man is expected to perform for his wife she will leave his home, whereas a wife is not in a position to depart so easily. One cannot tell who is wife and who is concubine in a household by bare observation of their behaviour and the behaviour of their

[1] In Lou country people often speak of them by the term for the children of widow-concubine, *gaat laka*. In this part of Nuerland the expession *cek ma lak* is seldom used for a widow-concubine. Linguistic differences of this kind are often found in different parts of Nuerland but I have not considered it worth while always to record them.

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husband towards them. One can only know by enquiry. In no way is their behaviour stigmatized as immoral. If a woman prefers to live as a concubine than as a wife that is her affair. Where they are in a worse position than a wife is that they cannot expect the same support from their kinsmen in disputes with their lovers as a wife can expect from her kinsmen in disputes with her husband. What a wife may demand as a right a concubine can only ask as a privilege. This disability is compensated for by the independence they enjoy. They are free to move as they please and to have love affairs whenever and with whomsoever they like. Those unmarried concubines whom I have known personally have been women of strong character who value their independence and do not desire matrimony. They refuse to be bullied by parents or husbands. Indeed Nuer realise that they are temperamentally unfit for normal marriage and consider that they are unlikely to settle down till they are old.

The main difference between a widow-concubine and an unmarried concubine is that a widow-concubine has had cattle paid to her kinsmen and these cattle are still "on her back" (*te ghok jokde*), as Nuer say, whereas an unmarried concubine has never had any cattle paid to her kinsmen, save those as a fee to affiliate her children to the lineage of her lovers. If she was once married her bride-cattle have been returned. *Kea e cek me caa ghok luny jok jaude*, "A *kea* is a woman from whose back cattle have been returned". When cattle are paid to make a child of an unmarried concubine the legal child of the man who begot him they are a legitimatization fee and not bride-wealth. The payment neither gives the father control over the mother nor a right to other children that she may bear by him or by any other man.

Sometimes instead of legitimatizing his child by payment of a fee a man marries the mother and, by payment of bride-wealth, not only legitimatizes the child but also any future children whom she may bear by him or by any other man. A *cek ma kea*, an unmarried concubine, then becomes a *cek pany*, a true wife. When a man marries a concubine he does not pay as many cattle as he would have done had he married her as a maiden. He is said to pay some ten to fifteen beasts instead of from twenty to thirty.

A man only marries a concubine when he is certain that she wishes to remain with him. For sometimes a girl becomes a concubine, not through unwillingness to settle down to married life, but because her parents have forced her to marry a man whom she detests and whom she has provoked to divorce her. A girl may even run away from home in despair when faced with marriage to a man she dislikes, and live with a lover in a different tribe. Some girls are betrayed by youths who have courted them and refused to marry them when pregnant, though, in my experience, this is very rare because a youth is generally glad to marry a girl who is in child by him. In this case the girl becomes a *kea* but she will not remain one, for she will be married to another man who becomes the pater and foster-father of the child though he is not the genitor. Men do not object to marrying young women who have borne a single child but they are unwilling to marry older women who have already borne several children.

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588 A man is content to pay a fee to obtain possession of any children he may
581 beget by an older woman. Nuer also often speak of a girl who has had a child by a youth who states that he is willing to marry her as soon as he has sufficient cattle, as a *kea*, but no one would refer to her as such once the ritual of marriage has been performed.

588 We may speak of a man, the unmarried woman with whom he lives, and the children born of the woman and begotten and legitimatized by the man as a simple natural family. The family which springs from widow-concubinage is a complex group in that all the members except the widow's mate are members of a different and legal family as well as members of the natural family, for the genitor can never pay a fee to legitimatize his natural children. When a man begets children by an unmarried woman there is no legal family in opposition to the natural family so that the position of genitor in relation to his children is much more secure. Although the woman is not married to the man we cannot deny the word "family" to this group because its members live together as a household on the pattern of the legal family, at any rate for some years. If the woman leaves him the position of the man is equivalent to that of a man whose wife has been divorced and whose bride-cattle have been returned except those left with her kin to legitimatize the children.

V

848 It is clear from what I have already recorded that Nuer do not attach
842 great importance to physiological paternity and that they are far from regarding bastardy with repugnance. Men prefer to beget their own sons but it is not ignominious to nurture children begotten by others. Nuer pay little regard to the manner of begetting so long as the legal parentage of the child is well established. Nevertheless, the links between a genitor and the child he has begotten is not a purely physiological one, even when the genitor is neither pater nor foster-father. The act of begetting creates a social relationship between genitor and natural son and they are bound to one another by a mystical tie. This relationship will be better understood later but it may shortly be illustrated here by a few remarks about adultery (*dhom*).

837 Yet another union which may result in the birth of a child is adulterous congress with a woman during the lifetime of her husband (or of her mate in ghost-marriage or leviritic marriage). Coming from a people (the Azande of the Nile-Congo divide) where adultery cases are very common at the present day, I was at once struck with the absence of cases, quarrelling, and even talk about the subject in Nuerland. Nevertheless, I believe that adultery is frequent both with married women who are travelling a long way from their homes and with women in their husband's villages. Nuer have often described to me how they have committed adultery and were not the least ashamed to talk to me about their adventures. They treat the matter light-heartedly. If you are caught in the act you may be speared or clubbed but if you are not caught in the act you can compensate the injured husband. They do not speak of adultery as though it was a highly immoral act but only as a risky and possibly expen-

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sive act. If they have begotten children by the wives of other men they 837
are rather proud of this evidence of their virility.

The legal position about adultery is as follows: If a man finds another 837
committing adultery with his wife they will probably fight, though the 684
adulterer will escape if he can because he does not wish to add homicide to adultery. But often enough either the husband does not know that adultery has been committed or cannot catch the adulterer in the act. If the husband is unfertile or impotent he may pretend that he is unaware of his wife's infidelity because, while he desires children, he does not wish people to think that he is condoning adultery. However, a young man is not likely to take this line. A Nuer said: "An impotent man (*luc*) who is young does not think of children but of his rights. When he is old he thinks of children and is willing that his wife should give birth in the bush (by a stranger)". Sometimes a man knows that a neighbour is committing adultery with his wife but is afraid that if he fight him he will be injured. If a man is ignorant of his wife's infidelity and she bears him no ill-will she may tell him about it because it is considered dangerous for a husband to sleep with his wife on the skin where she has committed adultery.

When a husband has proof of his wife's infidelity he may claim compensation of six cows and, as the adulterer's kin are unlikely to support him on a charge of this kind, the husband will probably receive the cattle. But if later a healthy child of the adulterous congress is born five of these cows must be returned, because "The cattle and the child must not meet in one place". The cattle paid in compensation are thought to give the genitor a claim on the child for they then partake of the nature of a legitimatization fee. The payment by the adulterer would be changed by the birth of a child from compensation (*ruok*) for adultery to a fee (*ruok*) for the child. I was unaware of this fact when I lived among the Eastern Nuer and it may be restricted to the Western Nuer. I am uncertain whether even among the Western Nuer the cattle are invariably returned but it is believed that if they are not returned the child may die and his ghost haunt his pater.

The cow that remains in the husband's kraal is called *yang kula*. The payment renders innocuous the action of the husband in having relations with his wife on the same skin on which she had relations in adultery. In most of the cases of adultery mentioned in this paper either the cattle were returned on the birth of a child or they were never paid, for often when the husband is old he does not claim compensation.

Among the Western Nuer when it is well known that a girl is a bastard 585
begotten of a certain man, the genitor will sometimes claim "the cow of 848
begetting" on her marriage. Her kin do not relish handing him over a 431
cow but they often do so because there is a mystical link between father and daughter and if he does not receive a cow of her bride-wealth he may curse her so that she may not bear children or so that her children will die and haunt their pater. The husband's people are therefore anxious that a cow shall be paid that their wife may be fruitful.

The verb *ruok* is used to describe the paying of compensation. Thus 684
one says *Ca ghok Galuak rok ka dhom cek Yang*, "The cattle of Galuak

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684 have been paid in compensation for adultery with the wife of Yang". The same verb is used for paying compensation for intercourse with an unmarried girl e.g. one says *Bi yang ruok*, "You will pay a cow" for this action. *Ruok* also means to legitimatize a child born of an unmarried concubine. The genitor says *Ca gatda rok*, "I have legitimatized my child by payment of a fee".

833 834 To describe sexual relations outside the union of marriage Nuer use the verb *lum*. The use of this word is a polite way of referring to sexual intercourse and could also be used to describe marital relations if one were to refer to intercourse between husband and wife. But it would be very unusual to refer to it. The word *lum* is used to describe the social relationship of a man to an unmarried concubine or widow-concubine, though it is a slightly coarse expression when used in this connection, and in the presence of related persons one would preferably say of a man and a widow *Mathke pi kel*, "They drink water together". *Lum* is also used to describe the courtship of a girl by a youth and refers to mere flirting or sexual intercourse alike. In fact it covers all relations between the sexes from casual intercourse to permanent cohabitation, though it has generally the sense of extramarital relations.

835 582 The rules of exogamy which obtain for simple legal marriage apply also to all the different unions described in this paper. A man may not cohabit with a woman whom he may not marry.

VI

585 431 428 588 587 The test of the nature of a procreative union is in the division of the bride-cattle of daughters born of it. When the pater is alive he receives the "cattle of the father" and "the cattle of the mother". If he is dead they belong to his sons (the bride's half and full brothers). The genitor in ghost-marriage and leviritic marriage has no legal claim to the "cattle of the father" or the "cattle of the mother". They belong, at any rate in theory, to the bride's brothers. The genitor in ghost-marriage stands in the place of the pater with regard to the bride's brothers as well as to the bride herself so that there is no need to define ownership of the bride cattle very clearly, for in any case they join his herd. When the genitor has begotten the bride in leviritic concubinage, division of the cattle may be more complicated because the bride may have full or half brothers begotten by her dead pater, or by other men after his death. I discuss these matters in a preliminary manner here because they will be elaborated later.

The genitor in ghost-marriage and in leviritic marriage may always demand a cow for his services for having begotten the bride. Similarly a man who lives with a widow-concubine may demand a cow on the marriage of her daughter on the grounds that he has begotten her and, if he acted as her foster-father, he may claim another two or three head of cattle for having acted as bread-winner to the family during her infancy and adolescence. He says "I cut meat for them" in reference to the fact the children have been nurtured by his labour as herdsman, gardener, and hunter.

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When a man merely visits a widow for purposes of procreation and is not a resident member of her household, and therefore not foster-father to her children, the cow which he receives on the marriage of each daughter he has begotten by her is called *yang leta*, " cow of the loins." One uses the same expression for the cow paid to the genitor of girls born of wives of women, for he also is not usually a permanent member of the household. However, this expression is slightly vulgar and when the genitor is the mother's partner in a more durable union people prefer to speak of a *yang dieth*, " cow of begetting ", or *yang twac*, " cow of the genet's skin ". It is called *yang twac* because a man who has married a wife to the name of a kinsman wears in marriage ceremonies the skin which the kinsmen would have worn had he been alive, and because men living with women in leviritic marriage and widow-concubinage always partake to some extent of the attitude of respect of husbands towards their wives' relatives —an attitude expressed most noticeably by the wearing of a genet's skin around the loins in the presence of their relatives-in-law. Thus they speak of *Yang me ci rit ne twac naru*, " The cow with which you twisted to your front the genet's skin of your maternal uncle ", for when you married your maternal uncle a wife you sat in his place in the byre of his wife's father during the bride-wealth discussions, and therefore wore a genet's skin, which is tied first so that it falls over the hip and is then twisted to the front to cover the genitals.

When the genitor is also a kinsman of the pater, having married a wife to his name or having lived with his widow, he receives besides " the cow of begetting " whatever cattle are due to a man standing in his particular relationship to the bride's pater. Thus when a man marries his brother a wife he receives " the cattle of the father's brother ", and when a man marries his maternal uncle a wife he receives " the cow of the paternal aunt ", unless his mother is still alive, for if she is alive she receives it.

As explained above, in certain circumstances an adulterer may ask for a cow in recognition of his physiological paternity. However, this is certainly not always asked for nor, if asked for, granted. If a man begets a female child by a girl whom he is courting and then refuses to marry her, he would not have the effrontery to ask for " a cow of begetting " when his natural daughter is married. He would risk having his skull broken by a club if he were even to visit his natural daughter. Of such a child they say *Caa dieth gooka*, " It was born in the grass ".

When the daughter of an unmarried concubine is married " the cattle of the father " go to her genitor because by payment of a fee he has made himself her pater, though not the husband of her mother. On the other hand " the cattle of the mother " belong to her sons and these may be, or may not be, natural sons of the same man who begat the bride.

This terse statement of the way in which division of bride-wealth indicates the various degrees of paternity will be better understood if Diagram No. V is studied.[1] In Fig. I when C ♀ is married " the cattle of the father " and " the cattle of the mother " go to A ♂. If A ♂ is dead they go to D ♂ and P ♂. In Fig. II when C ♀ is married the cattle of the parents belong legally to D ♂. Z ♂ would receive " the cow of begetting "

[1] [see p. 27. - Analyst]

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585 431 possibly three or four cows for having brought C ♀ to maturity, the cattle due to him as a father's brother and perhaps any cattle due to the grandparents X ♂ and Y ♀. In Fig. III when C ♀ is married the cattle of the parents go to D ♂, P ♂, Q ♂, and R ♂. Z ♂ gets the "cow of begetting", probably an extra cow or two of his services to the family, what is due to him as a paternal uncle, and, perhaps, any cattle due to the grandparents X ♂ and Y ♀. Some of "the cattle of the father" would be the portion of R ♂, and the "cattle of the mother" would be the portion of D ♂, P ♂, and Q ♂. In Fig. IV "the cattle of the father" and the "cattle of the mother" belong to D ♂, P ♂, and Q ♂, "the cattle of the father" belonging more particularly to D ♂, who alone of the children was begotten by their pater. T ♂, who is living with the widow and who has begotten by her two sons and a daughter (the bride C ♀) receives "the cow of begetting" and three or four head of cattle for having brought the family up. In Fig. V B ♀ is an unmarried concubine who has borne a son D ♂, and a daughter C ♀, to A ♂, who has paid legitimatization fees for both children. She then left A ♂, and went to live with P ♂, by whom she has borne a son W ♂. On C ♀ 's marriage the cattle of the father belong to A ♂ and the cattle of the mother go partly to D ♂, and partly to W ♂. As A ♂ is pater to C ♀, there is no "cow of begetting". In the statements made above I give only the principles of distribution of bride-wealth. Actual distribution is often more complicated and depends on variable conditions.

VII

Before asking the reader to accompany me round a Nuer village to enquire into matrimonial and domestic conditions I would ask him to bear in mind in a summarised form the following main features of Nuer marriage :—

581 585 431 (A) It is payment of cattle which defines the exact status of each member of the various procreative and domestic groups to the other members of the same group, or, otherwise expessed, the status of each member receives recognition by payment of cattle. The man in whose name cattle were handed over to the kin of the woman at her marriage is the pater of her children, whether he lives or dies—even a woman who marries a wife being counted as the pater. The cattle of the father invariably go to him or to his heirs. Likewise the bio-sociological father in his various degrees of physiological and foster parent is recognised by payment of cattle, and payment of cattle legitimatizes children born out of wedlock. Nuer discuss all these relationships in the idiom of cattle.

611 (B) The position of pater is legally predominant. Through him even though he did not beget or even see them, his children trace their descent. They belong to his lineage and clan and share in all that traditionally pertains to these groups. From him they inherit. His herd is their birth-right and any cattle which would have been due to him had he been alive belong to them as his heirs. Whatever social or ritual status he may have had they may succeed to. Little though their relationship to their

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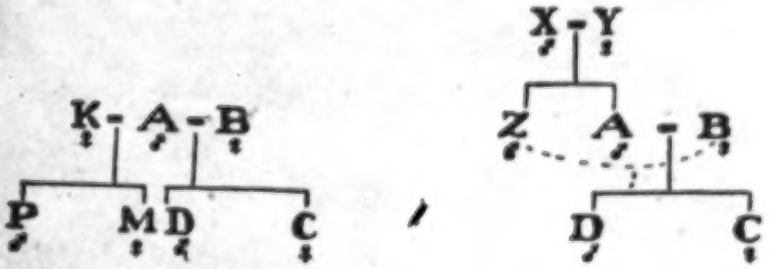
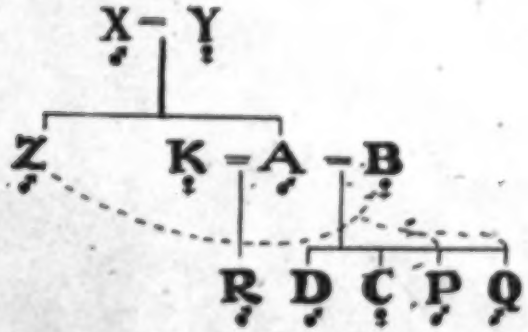


1. Simple Marriage 2. Ghost Marriage



3. Leviritic Marriage

Diagram V

4. Widow Concubinage 3. Simple Concubinage

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611 pater may count in childhood it grows in importance as the children reach manhood.

593 (C) Children may be born into two families and brought up in several households. This may lead to a clash of interests and divided loyalties. This is most likely when the pater is represented by a man who is not the genitor and foster-father of the children, and is least likely when the genitor and foster-father is a legal substitute for the pater.

611 593 562 (D) Legal paternity has a very different significance in the case of sons and in the case of daughters. The pater's kin want the sons to live in their home for reasons of sentiment and because they increase the strength of the group. The sons are drawn to their pater's kin by sentiment and self-interest. Their pater's people are their true kin and only in their pater's village are they owners of the soil and of the cattle. A man who wants to inherit his father's cattle and to receive portions of the bride-wealth of the daughters of his kinsmen should go to live among his father's kin and there marry a wife and beget children to their lineage. The pater's kin care little whether his daughters come to live with them or not. "Daughters are unrelated persons." They will bear children who will be members of other groups. So long as the pater's kin receive the cattle of their bride-wealth they do not mind what happens to their persons. Daughters often do not, therefore, join the kin of their paters but may be married from the homes of their genitors or foster-fathers. They are not compelled by sentiment or self-interest to join the kin of their paters.

583 611 593 (E) Types of procreative unions and families are classed by the nature of the social tie that links children to their pater, and of the social relationship between pater and genitor, and not by the tie that links the children to their mother. This is because the mother is comparatively unimportant from the legal standpoint since men take their status and derive their privileges mainly from their pater. Moreover the functions of motherhood are not divided among several women as the functions of fatherhood may be divided among several men. The legal mother, defined by the bride-wealth paid to her kin on her marriage, and by the cattle she receives as such on the marriage of her daughters, is always the biological mother. Motherhood has only split roles when a woman lives apart from her children, as may happen with widow-concubines, and in these cases the women who provide the children (who are not their own children) with food do not receive legal recognition of their services. The general social, rather than specific legal significance of motherhood is treated elsewhere.

583 602 (F) I do not more than draw attention here to the effect on kinship structure and sentiment of the different types of procreative unions. The fact that men in ghost-marriage and leviritic marriage raise up seed to their kinsmen has the effect that the group of kinsmen have closer relationships and a greater sense of common interests than they would have if they were all children of different simple legal families. The wider kinship group gains at the expense of the restricted family group. The prevalence of widow-concubinage and unmarried concubinage also strengthens sentiments of kinship, because there is in these cases no single undivided

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family, both legal and domestic, to demand a man's major allegiance at the expense of the solidarity of the wider kinship group which provides a boy with scope for his deepest interests and ambitions. 583-602

VIII

That these different forms of marriage and concubinage are of great sociological importance cannot be doubted. It is desirable, therefore, after having formally defined the different types of marriage and concubinage, to estimate approximately how widespread are the other types of union in comparison with simple legal marriage before discussing their influence on behaviour. After taking soundings by recording genealogies of a few persons with whom I was intimate among the Lek, Lou, and Jikany tribes, I decided to pay special attention to this problem on my 1936 expedition. A village of the Karlual tribe was selected and a survey of marital conditions was conducted in it. The results confirmed the impression formed by my earlier genealogical enquiries that all these different types of marriage and concubinage are common. My previous soundings proved, moreover, that the village investigated was fairly typical of Nuer villages. 121

The village chosen was Nyueny. It was not selected at random but was chosen because it is the home of my servant Nhial whose family already knew me. Though his father resides there it is the village of his maternal kin and they had known for some years about my work. I was therefore sure of a friendly welcome and consequently it was possible to make a rapid survey. Had I been a complete stranger the enquiry could not have been accomplished in the short time I had to give to it, because Nuer oppose any investigation till they have seasoned one and, even then, are stubborn informants. On previous expeditions I had recorded the genealogies of Nhial on both sides of his family so that much of my work was merely checking on the spot this earlier information.

I spent five weeks in Nyueny. There was insufficient time for a full enquiry because such enquiries are exceedingly difficult—indeed I know of no more difficult task among Nilotic peoples than that of obtaining correct genealogies. But it was sufficient to obtain a well-checked record of matrimonial conditions, even if it is not a complete record, since I was by this time well advanced in my Nuer studies and was, moreover, able to obtain reliable and friendly assistance from the people of Nyueny. 124

Nyueny is a typical Nuer village. It consists of a number of huts and byres dotted in the arc of a circle along a sandy ridge. The main village is about a mile in length and is divided into three hamlets: Nyueny, Dakyil, and Kamthiang (see Diagram No. VI). About a mile to the north lies the hamlet of Dorpan, the occupants of which recently moved from the main village. The byres of Nyueny do not face straight on to the ridge because wind-blown rain would be swept through the doorway but they face E. to S.E. On the western side of the village, at the backs of the huts and byres, lie gardens; and gardens and bush alternate between the main village and the hamlet of Dorpan. Nyueny is one of the finest 361

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VILLAGE OF NYUENY KARLUAL TRIBE

Diagram VI

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Nyueny is one of the finest

ridges (*thur*) in Western Nuerland and in times of flood the people of neighbouring villages encamp there. This advantage is slightly offset by the corresponding fact that there is often insufficient water for the cattle early in the dry season, so that the people of Nyueny are among the first to move to dry season camps. The population of the village is approximately[1] 129 souls.

The village, commencing from the outlying hamlet of Dorpan, consists of the following 26 homesteads.

Homestead No. 1 Nyaluthni ♀ —Rial ♂. She is a barren woman with many cattle which she has obtained partly as fees, for she is a well known diviner and magician, and partly from the bride-wealth of her nieces, for her brother has several daughters and she not only gets the cattle due to a bride's paternal aunt but also some of those due to a bride's paternal uncle, because, being barren, she counts in some respects as a man. She exchanged a Dinka woman for cattle (*ce cek jaanga luil ka ghok*). This was not, properly speaking, a marriage but we might describe it more correctly as an exchange or even a purchase. This woman, Luel ♀, bore two children, Majak ♂ and Nyagai ♀, by a Dinka man. Nyaluthni has also married, by payment of bride-wealth and by performance of the usual ceremonial, two Nuer girls. One Nyabuor ♀, gave birth to twins, of whom Buth ♂, survives, by a man of the Jikul clan, Wecyil ♂ by name. When Wecyil ♂ died she cohabited with a Jikany man called Kemkin ♂. and she is now in child by him. The second girl, Nyakoka ♀, has recently been married and she has not yet borne children. She cohabits with Rwot ♂, a kinsman of Nyaluthni of the Tedar minor lineage.

These men do not live in Nyaluthni's homestead but frequently visit it and stay there for one or several nights. They hoe her gardens and are chosen to cohabit with her wives because they are known to be hard-working gardeners. They are given meals when they are present, and on the marriage of the daughters he has begotten the genitor will receive a cow from the bride-wealth of each.

Nyaluthni (generally known as Nyarial after her father) is the pater of the children of her wives and she is always spoken of as such when their names are mentioned. Thus people always speak of Majak ♂ —Nyarial ♀ and Nyagai ♀ —Nyarial ♀. Her children address her as *gwa*, "father", and not as *ma*, "mother". She is a woman of outstanding character, with fine features, and always well-dressed. She is very competent and runs her homestead like a man. If her wives are lazy or disobedient she beats them. They treat her with the respect due to a husband and place meals before her with the same ceremony as they would employ to a male husband. She speaks of them as "my wives". She directs the business

[1] I say "approximately" because it was not my intention to compile a census though in fact I did so in the course of my enquiry into matrimonial conditions in the village. Consequently it is possible that two or three girls whom I have reckoned as residents are married to husbands in other villages. This may have been the case at the southernmost end of the village. I know everyone in the of rest the village too well for this mistake to have been made, enquiry always being controlled by personal contact.

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592 of the kraal and homestead with the skill of an experienced herdsman
593 and householder and stands no interference in matters pertaining to the
588 cattle, even from her initiated son, Majak ♂.

592 *Homestead No. II.* Col ♂ —Ngunjok ♂. He lives with Nyarueni ♀
588 whom he married to the name of his father (see Diagram No. VII). He is now contemplating marriage on his own account. I am uncertain whether Nyarueni has a baby or not. – The byre of this homestead originally belonged to Wec ♂ (see Homestead No. X.), who sold it to Col ♂ for a he-goat. One of the huts belonged to Nyaluthni ♀ (see Homestead No. I), who lived there for a time before moving to her present hamlet.

[611]

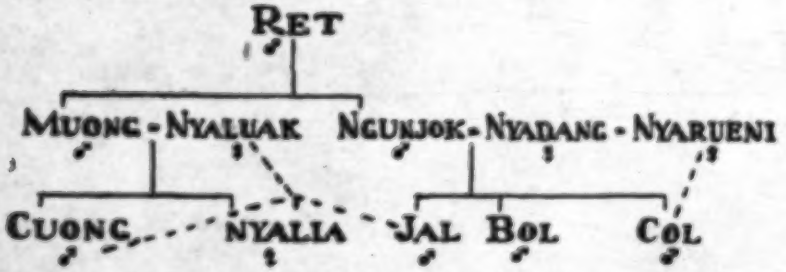

Diagram VII

Homestead No. III. Baranyai ♂ —Kwenwar ♂. He lives with a woman whom he married to the name of his maternal uncle Yoah ♂—Pan ♂. In our village we speak of Baranyai's mother as Nyajal ♀—Kuth ♂ and those who know about her brother speak of him as Yoah ♂—Kuth ♂ but this usage is not correct because their pater was Pan ♂, a man of the Jikul clan. After Pan's death in an epidemic of smallpox his children were brought up by Kuth ♂. On the marriage of Baranyai's sisters there were no claimants to the bride-wealth on the maternal uncle's side, Yoah ♂ and his brothers and sons being all dead, so "the cattle of the maternal uncle" went to Baranyai and his brothers. Baranyai received most of them and married his maternal uncle a wife with them. He has begotten by her Ngundeang ♂, Rwot ♂, and Thak ♂. A natural son of Baranyai ♂, named Galuak ♂, also lives here. He was born of a widow-concubine, Nyadang ♀ (see Homestead No. XXI). Baranyai also has a small daughter by another widow-concubine, Nyadut ♀, (see Homestead No. XVIII). She lives with her mother. Baranyai has no legal wife of his own.

Homestead No. IV. Nyamani ♀, widow of Luak ♂. To her husband she bore Bilieu ♂ and a daughter. Since her husband's death she has cohabited with Panyuan ♂ (see Homestead No. IX) by whom she bore twins who died and Bol ♂. She was pregnant with another child when I left the village. See Diagram No. IX.

Homestead No. V. Wang ♂. He is unmarried.

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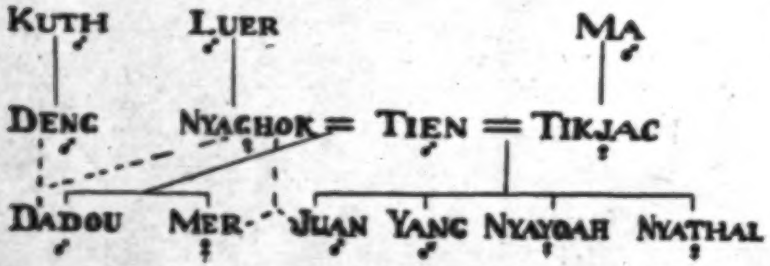
Homestead No. VI. Rainen ♂—Ngwoth ♂. He lives here with his legal wife, Nyadang ♀—Col ♂, by whom he has begotten two sons and five daughters. His byre has fallen down and his cattle are housed in the byre of homestead No. V. The mother of Wang ♂, the owner of this byre, shares a hut with Nyadang ♀. During my visit a Dok girl was living here as unmarried concubine to Rainen's eldest son, Nhial ♂. 592 588

Homestead No. VII. Juan ♂—Tien ♂ (brother of Yang ♂ of homestead No. XIX). He lives with Nyaghok ♀, one of his father's widows. His mother, Tikjac ♀, a Lek woman, also lives at his home. Tikjac ♀ bore her husband two sons, Yang ♂ and Juan ♂, and two daughters, Nyayoah ♀ and Nyathal ♀. She is now past child-bearing. Tien's second wife, Nyaghok ♀, a Dinka woman, committed adultery during her husband's lifetime with one of his distant agnatic kinsmen, called Deng. A boy, Dadou ♂, was born of this adulterous congress. He also lives in this homestead. After Tien's death Nyaghok ♀ cohabited with his son, Juan ♂, to whom she bore a daughter, Mer ♀. See Diagram No. VIII. [837]



[611]

Diagram VIII

Homestead No. VIII. Nyaruithni ♀—Kwenwar ♂, the widow of Rwacar ♂. She is now past child-bearing and does not cohabit with any man. During Rwacar's lifetime she bore two children, but neither by him, both being the fruit of adultery. Her daughter, Nyakewa ♀, who was killed this year by lightning, was begotten by Luin ♂—Kwany ♂, a Lek tribesman, and her son, Malith ♂ was begotten by Gak ♂—Yol ♂, a Jikany tribesman. Her brother's son, Gai ♂—Karlual ♂, lives in her byre and looks after her herd. 592 837

Nyaruithni's sister, Nyaudol ♀—Kwenwar ♂, paid a visit to her homestead this year. When Nyakewa ♀ was killed by lightning Nyaudol's husband, Yoah ♂, was killed at the same time. Nyaudol ♀ says that since she is now a widow she will remain at Nyueny with her children by Yoah ♂: Weetwok ♂, Bilieu ♂, Gatdwiel ♀, and Nyankeni ♀.

Homestead No. IX. Karlual ♂—Kwenwar ♂. He first married Nyakuon ♀—Kok ♂. She died without children and the cattle were returned (Tang ♂—Karlual ♂ married a wife with them). Karlual ♂ then married 592 [586]

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Karlual ♂ then married
587 Nyaweny ♀—Kong ♂ who is also dead. She bore him Tang ♂ and Gai
592 ♂. Lately he has married Nyariek ♀—Cang ♂ by whom he has an unweaned child. He has an unmarried concubine who was temporarily absent during my visit. She has borne him two sons, Twong ♂ and
[148] Kong ♂. Cattle have been paid to legitimatize Twong ♂ and more cattle
[143] will be paid to legitimatize Kong ♂.

Karlual's brother, Panyuan, lives in his byre, and his sister's sons, Nhial ♂—Rainen ♂ and Gaiuak ♂—Rainen ♂, spend most of their time there and house some of their cattle there.

592 *Homestead No. X.* Meat ♂—Col ♂. He is unmarried. In his byre
736 lives his half-brother, Wec ♂—Jany ♂, who has married a wife to the name of one of his father's brothers. She has borne him Korwai ♂ (dead), Nhial ♂, Nyajuacni ♀, and Nyapuot ♀. As he has no cattle, he has sold his byre to Col ♀ of Homestead No. II, and as he is too lazy to cultivate a garden, his wife and family, to save themselves from starvation, live at her sister's home in another village. He wanders hither and thither and scrounges on other people. Another occupant of this byre is Meat's sister's son, Bilieu ♂—Lam ♂.

592 *Homestead No. XI.* Jal ♂—Ngunjuk (brother of Col of homestead
607 No. II). The two brothers live at a distance because their wives do not get on well togcther. His brother, Bol ♂, and his half-brother, Pan ♂, share his byre. Both are unmarried. Jal ♂ has married a wife to the name of his father's brother, Muong ♂—Ret ♂. This woman, Nyaluak ♀—Deng ♂ has bore him Cuong ♂ and Nyalia ♀. One of the huts in this homestead belonged to Jal's mother who died last year. See Diagram No. VII.

592 *Homestead No. XII.* Nyawal ♀—Col ♂. Her husband was Lam ♂ of
588 the Ngwol clan. She bore him Rwac ♂ (dead) and Nyakwoli ♀. After his death she cohabited with Juan ♂ of the Jikul clan, by whom she bore Bilieu ♂, Nyakuan ♀, Nyalieth ♀, Ghuth ♂, Bathu ♀, and Nyalita ♀. She is past child-bearing and does not cohabit with any man. Her cattle are housed in the byre of her brother Meat ♂, of Homestead No. X.

592 *Homestead No. XIII.* Nyading ♀—Kulang ♂. Her daughter, Nya-
588 mani ♀, was married by Tang ♂—Karlual ♂ to the name of Ran ♂, a brother of his father (though begotten by Kwenwar while Karlual ♂ was
[175] begotten by Jany ♂). Ran ♂ had died before initiation and his ghost began to kill Karlual's wives and children and had to be quieted by being married a wife. Nyamani ♀ lives with her mother, Nyading ♀, whose husband, Dak ♂—Jiong ♂, is dead. She bore Dak ♂ three children: Nyamani ♀, Nyaghok ♀, and Gai ♂. Dak ♂ by another wife begat Nyajaani ♀ who also lives in this homestead. Nyajaani ♀ was married by Pathol ♂—Nyaalbor ♂ of the Lual section and bore him a blind son who
[586] also lives here. She refused to live with her husband's brother when he died, so the cattle of her bride-wealth were returned. She was then married to another man and divorced by him. She now cohabits with Mokwac ♂ of Homestead No. XVI and has borne him a son.

Homestead No. XIV. Loc ♂—Jany ♂. He married a wife, Can ♀—Giling ♂ of the Reng section of the Jikany tribe, to the name of his dead

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brother, Gwanbul ♂—Jany ♂, who was killed in war. She has borne Loc ♂ a son, Col ♂. Jor ♂—Jany ♂ shares this byre. 592 588

Homestead No. XV. Nyading ♀—Thiep ♂. She died last year but as her hut is still standing she is included in this list. She was a wife of Jany married to him after his death by his son Gwanbul ♂ to whom she bore a son, Jor ♂, and three daughters. On the death of Gwanbul she cohabited with Mokwac of Homestead No. XVI but has not borne him children.

Homestead No. XVI. Mokwac ♂—Nen ♂. He shares this hut with Yuol ♀, widow of Diou ♂—Nhial ♂, an aristocrat of the Dieny section. She had three children by Diou, two being dead and one, Nyaroah ♀ being alive. By Mokwac she had a son, Thor ♂, who died, a daughter, Nyatiacni ♀, and a newly born daughter. Mokwac also cohabits with Nyadang ♀, of Homestead No. XXI. She has not borne him children but "cooks for him". Before her death Mokwac used to cohabit with Nyading of Homestead No. IV. He has no wife of his own.

Homestead No. XVII. Nyathagh ♀—Lagh ♂. A Dinka captive who was married to Dong ♂—Col ♂, a Jikul man. She bore him a daughter who died, and a son, Patai ♂. When her husband died he had no brother to cohabit with her and, being a Dinka captive, she had no kinsmen with whom she could reside, so she became concubine to Cel ♂—Thiep ♂, a leopard skin chief of the Keunyang section. She bore him Nyathat ♀, Nyaling ♀, Nyangiek ♀, Kur ♂, and Nyaduot ♀ (dead). On Cel's death she remained in his homestead, her present abode, and took a lover, Riek ♂—Juc ♂, of the Reng section of the Jikany tribe. She bore him no children and relations between them ceased. At present she has no lover. 592 727

Homestead No. XVIII. Nyadut ♀—Tweth ♂ (sister to Nhial ♂ of Homestead No. XXIII). She is a widow of Cuc ♂—Thol ♂ of the Riaagh clan. There were no children of this marriage and on her husband's death she lived in leviritic concubinage with Duob ♂—Cuc ♂, one of her husband's sons to whom she bore Leau ♂, Nyayoac ♀, Wany ♂, and another son. Duob ♂ was killed by Mokwac of Homestead No. XVI (compensation was paid but although Mokwac ♂ and Leau ♂—Doub ♂ live side by side they do not eat or drink together). For a while Nyadut ♀ then cohabited with Marial ♂—Kwong ♂ of the Gai section of the Jikany tribe. She bore him a child which died. Its death convinced them that they ought not to have had relations because Nyadut was *cek gwandong*, "grandfather's wife", to Marial. She now cohabits with Baranyai ♂ of Homestead No. III. She has borne him a daughter. Nyadut's byre has fallen down. People say that it will be rebuilt next year. 682

Homestead No. XIX. Yang ♂—Tien ♂ (brother of Juan of Homestead No. VII. when I asked why the brothers do not live together I was told *Juan mun me ce bec doreme, ce Yang ce bec doreme*, "Juan has a site which suits him down here, and Yang has a site which suits him up there".) Yang married Nyabeel ♀—Dec ♂ but she died, with her baby, in childbirth as a consequence of incest. She had incestuous relations both with a kinsman of her husband and with a kinsman of her own. (As she brought death on herself Yang ♂ did not have to compensate her kinsmen for her 592 684 835

d-a-th.)

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592 death.) Yang ♂ cohabits with Nyabuk ♀—Riagh ♂ who lives in his homestead. She is a widow of Thiac ♂—Jok ♂, of the Diany section. By her husband she bore Nyalani ♀ and by Yang ♂ she bore Nyawura ♀ [764] who was killed by lightning and is honoured by a ceremonial post in Yang's homestead, Jany ♂, Nyabiel ♀, Nyangir ♀, and two other children who died. Yang ♂ is betrothed to a girl but she has not yet borne him a child and still lives with her parents.

592 588 *Homestead No. XX.* Dhoal ♂—Cuc ♂ (a Dinka who was given Nuer kinship). He had relations with Gol ♀—Gek ♂, an unmarried girl, who bore him Rwac ♂. The mother is dead and the boy has been legitimatized by payment of a fee. He has recently been initiated in Dhoal's homestead. Dhoal ♂ now cohabits with Nyabiem ♀—Kan ♂, a widow of a man of the Jwal clan. She lives in Dhoal's homestead. After her husband's death Nyabiem cohabited with one of his kinsmen, Gany ♂—Bul ♂ to whom she bore Nyagac ♀, at present living with her mother. She came to live with Dhoal ♂ after separating from Gany and bore him Nyabilieu ♀ and another daughter who is still an infant. Dhoal ♂ also cohabits with Nyadhiac ♀ who lives in an adjacent homestead, No. XXIV, and has begotten several children by her; and with a young woman of the Dok tribe who has run away from her husband in Dok country and taken up her residence in Dhoal's home. She has not borne him any children but is said to be an excellent cook. As her husband's cattle have not been returned she is living in adultery with Dhoal but since she refuses to live with her husband and since she is a member of a distant tribe she counts as equivalent to a widow-concubine and is not counted as an unmarried concubine.

592 588 593 *Homestead No. XXI.* Nyadang ♀—Luk ♂ (of the Jikul clan). She is a widow of Dit ♂—Bicuk ♂ of the Keunyang section. Her only living child by her husband is Nyakwoli ♀. Two are dead. After her husband's death she cohabited with Baranyai ♂ of Homestead No. III. By him she bore a son, Galuak ♂, who lives with his genitor, twins who died, and another son, Bol ♂, who was drowned when crossing a river during flight from a Government punitive expedition. Owing to these deaths Nyadang's genealogy was more closely enquired into and it was discovered that she was distantly related to Baranyai. They thereupon ceased to cohabit and Nyadang took Nhial ♂—Tweth ♂, of Homestead No. XXIII, as a lover. She bore him Nyabilieu ♀ but left him because he used to beat her and she now cohabits with Mokwac of Homestead No. XVI.. She has not borne him any children but "cooks for him". Nyadang's unmarried brother, Wal ♂—Luk ♂, lives in this homestead.

592 588 *Homestead No. XXII.* Nyagany ♀. She is barren. She was divorced by her husband, Deng ♂, a Lek tribesman, and then cohabited first with Mok ♂—Jang ♂, another Lek tribesman, then with a Rengyan tribesman, and at present with Mabil ♂—Wel ♂ of the village of Nyang.

592 595 *Homestead No. XXIII.* Nhial ♂—Tweth ♂ (brother of Nyadut ♀ of Homestead No. XVIII). He is Bor tribesman. He has two wives: Nyabath ♀—Lam ♂, a Jikany woman of the Gai section, by whom he has a small son; and Nyantual ♀—Deng ♂, a Jikany woman of the Gom

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section, whom he has recently wed. She still lives with her parents and has not yet brought the infant daughter she bore Nhial to his home. At one time Nhial cohabited with Nyadang of Homestead No. XXI. The byre in his homestead has fallen down and will soon be rebuilt. 592 595

Homestead No. XXIV. Nyadhiac ♀—Wal ♂, a widow of Galuak ♂—Thol ♂. She bore her husband Tap ♂ who lives in the homestead of Dhoal ♂ of Homestead No. XX. Dhoal ♂ now cohabits with her and she has borne him Gai ♂, Puot ♂, Nyagwar ♀, Laoth ♂, Nyakwoli ♀, and a female infant. This cohabitation would be regarded by Nuer as leviritic concubinage because Galuak ♂ and Cuc ♂, the father of Dhoal ♂, were both sons of Thol. 592 587

Nyadhiac's mother, Nyaleeni ♀, a very old Baggara Arab captive, lives with her. [727]

Homestead No. XXV. Kwol ♂—Kwoth ♂ (Kwoth ♂, Galuak ♂, and Cuc ♂ were brothers). Kwol is unmarried. His mother, Nyamani ♀—Kulanga ♂, a Bor woman, and his brothers, Buth ♂ and Duoth ♂, and his sister, Nyaliah ♀, live in the same homestead. He shares his cattle-byre with Nhial ♂, of Homestead No. XXIII, and two sons of Dit ♂, Rwot ♂ and Wecjok ♂ (Homestead No, XXVI). 592

Homestead No. XXVI. Nyaluak ♀—Yoah ♂, widow of Dit ♂—Bicuk ♂, to whom she bore Rwot ♂, Yangdoah ♀, Nyakur ♀, Nyampath ♀, and Wecjok ♂. After her husband's death she cohabited with Carou ♂—Gwec ♂ of Nyang village to whom she bore Nyibol ♀, Ging ♀, and Nyaduoth ♀. She is now past child-bearing. She is a noted diviner and magician. The byre of this homestead fell down last year. 592 588

The information collected about matrimonial conditions at Nyueny is not full enough to allow a very fine classification but a crude analysis in the form of a summary may be presented. There are thirty three women in the village who have either been married or have borne children. The number includes only women living in the village as their normal residence and not such women as Nyaudol ♀—Kwenwar ♂ even though she has declared her intention of settling there; nor the wife of Nhial ♂—Rainen ♂ because she has gone back to her own people and he is almost certain to divorce her; nor the unmarried woman who was living as Nhial's concubine because she was a bird of passage. I have not counted women, recently married by men of Nyueny, who are still living in the homes of their parents. These thirty-three women are living in the domestic conditions shown in the first column. 583

The second column presents an analysis of all the different types of union to which the thirty-three women are known, at one time or another, to have been partners. The second column does not pretend to the accuracy of the first for I did not attempt to record the complete domestic history of each woman, though much information about them was collected in the course of a general enquiry. It is hoped, nevertheless, that the second column will be of service in correcting any distortion in the first, for, except for unmarried concubines who have not been married and afterwards divorced, all the women have at one time lived in the union of one or other form of marriage. I have not attempted to estimate the number

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583 of adulterous unions in which these women have at any time lived. This would be too difficult. The Dok girl of Homestead No. XX is therefore included among the widow-concubines.

The third column lists the children born of thirty-two of these women according to the type of union in which they were born. Nyaleeni ♀ of Homestead No. XXIV is not included as no enquiry was made about her children. This column gives us some rough vital statistics for it shows a total of 109 children, an average of 3.4 children per woman, or, if we exclude the two barren women from this calculation, 3.6 children per woman. Women in advanced pregnancy were counted as having given birth to a single child. I say that these statistics are rough because there can be no doubt that a large number of children who died at birth or in infancy have not been recorded. Indeed no special enquiry into this matter was prosecuted. The number of children born per fertile woman is therefore probably much higher than 3.6, perhaps being as high as 5.0. It is also possible that there are more than 2 barren women in the village.

	Union of 33 women in 1936	Total unions of 33 women	Children of 32 women
Wives in simple legal marriage	3	23	44
Female husbands ..	1	1	—
Wives of female husbands ..	3	3	5
Wives in ghost-marriage ..	5	5	6
Wives in leviritic marriage ..	2	4	12
Widow-concubines	6	14	36
Unmarried concubines ..	3	5	3
Women living in adultery ..	1	—	3
Old women without mates ..	9	—	—

Certain considerations must be kept in mind if a false impresion is not to be created by these figures. Wives of female husbands and wives in ghost-marriage are to all intents and purposes in the same legal position as wives in simple legal marriages. If we include also wives in leviritic marriage we have a total of thirteen women living in one or other form of legal marriage and ten women living in one or other form of concubinage. It [591] must be remembered also that a number of young men of the village have young wives in the villages of their parents-in-law for it is Nuer custom that a wife does not join her husband till after she has weaned her first child.

162 The number of widow-concubines and of old women without mates
165 (who are also widows) suggests a very high mortality rate among males. This is partly due to the constant fighting that used to go on, and still to a lesser extent goes on between Nuer. In a number of cases recorded in the village women have been widowed by the violent death of their husbands.

583 The amount of concubinage is remarkable and contrasts with the relatively small number of leviritic unions. The number of divorces recorded is small and this is probably a true index for Nuerland as a whole.

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IX

I commenced this paper by outlining the formal structure of the family and other procreative and domestic groups and then illustrated these groups by a survey of a typical Nuer village and some genealogical tables. We must now enquire what are the actual relations between members of these different types of domestic groups and, in particular, what are the relations between a father (pater, genitor, or foster-father) and his sons.

It is often difficult to know what these relations are and I only know a few households sufficiently well to be able to assess them. Indeed, it is often difficult to discover even the formal status of members of a household and I have no doubt that a longer investigation at Nyueny and elsewhere would reveal that some unions which I have thought to be simple legal marriage are unions of a different order.

The difficulty is due in part to the fact that Nuer are not consistent in their use of kinship nomenclature. If a man marries a woman and she bears him a son, the child is always called after his pater, e.g. Nhial ♂ is always known as Nhial ♂—Rainen ♂ (Homestead No. VI). Likewise if a child is born to a man during his lifetime by adulterous congress between his wife and another man it is always called after the pater (at any rate in the pater's village. It might be called after its genitor in his village though I cannot assert that this is so), e.g. Dadou ♂ is known as Dadou ♂—Tien ♂ (Homestead No. VII). An orphan (*ret*), i.e. a child born of a leviritic union is also generally called after its pater, e.g. Mer ♀—Tien ♂ (Homestead No. VII).

On the other hand, when a man marries a wife to the name of an agnatic kinsman a son born of this union is in ordinary social life called after the man who stands in the place of the pater and who has begotten the son. One rarely hears his name coupled with that of his ghostly pater, though it is so coupled at ceremonies. When the boy is initiated they tell his pater: "See, your son has been initiated. He has become a man. Your fire is kindled"; and when he is married they tell his pater: "See, your son is married. Your descendants will not cease. They will remember your name." A man's name is also coupled with that of his pater in legal situations where ownership of property is at issue.

But ordinarily such children take the name of their genitor and one may remain ignorant that the genitor is not also the pater. Thus I spent over three months in the tiny hamlet of Yakwac in 1931 without knowing that Kerker ♂ was not the pater of the boys whom we always knew as *gaat Kerker*, "the sons of Kerker". I spent hours every day with these boys but it was by mere chance that I discovered that Kerker had married a wife to the name of this dead brother, Duob, and had begotten my companions. When I visited Yakwac again in 1935 Kerker had died and his eldest son (legal nephew), Wan, had married him a wife, Kur ♀—War ♂ to perpetuate his genitor's name. The children begotten by Wan ♂ in this union will be legally his father's brother's children. Similarly in the village of Nyueny, I would certainly never have discovered that such men as Wec (Homestead No. X.) and Loc (Homestead No. XIV) were not the paters of their children had I not made persistent enquiry.

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611 Nevertheless, Nuer tell me that in course of time the name of the pater survives and the name of the genitor is forgotten, even though the name of the pater is little used in the lifetime of his children. When a man marries a wife to the name of an agnatic kinsman it might seem that it does not matter whether the descendants of this union trace their ascent to the founders of their lineage and clan through their pater or through their genitor, but the purpose of ghost-marriage is to preserve the name of the pater, and, according to Nuer, the name of the genitor is therefore likely to be effaced in time. The name of the pater has an almost purely ritual and legal significance during the lifetime of his sons and in succeeding generations this significance endures, if in an ever-lessening degree, whereas ties between sons and their genitors being based on sentiment and common domestic interests do not long survive the conditions that create them.

The position is rather different when a man marries a wife to the name of his maternal uncle for then the man and the children he begets belong to different clans. The name of the pater is here very important, even in the lifetime of his sons, because it is from him, and not from their genitor that they inherit their clan and lineage emblems. The sons have no *buth*, agnatic kinship, with their genitor and neither he nor they can act for the other in a ritual capacity at ceremonies. The children belong to different social groups to their genitor and this is sometimes very apparent on ceremonial occasions. Normally, therefore, a son born of such a union is called after his genitor in his genitor's hamlet, and perhaps even in his village and district, but is called after his pater among his pater's people. Thus my servant Wia ♂, whose history is recorded later, was always known to us at Yakwac as Wia ♂—Cam ♂, because Yakwac was Cam's hamlet, and he was also known as Wia ♂—Cam ♂ among the Gaajok tribe, because Cam was a Gaajok aristocrat by adoption; but throughout Lou country he was known as Wia ♂—Dar ♂ after his pater, because Dar ♂ was a Lou aristocrat. It is only when the pater has no kin to join his name to the names of his sons that the name of the sister's son (genitor) almost entirely obliterates, for the time being, that of the mother's brother (pater). Thus I was informed that it is generally unknown that the sons begotten by Baranyai are not his legal sons but are the legal sons of Pan (Homestead No. III). At Nyueny we always referred to them as *gaat Baranyai*, "sons of Baranyai" and Pan has no close kin alive who might refer to them as *gaat Pan* "sons of Pan". Nevertheless, the name of Pan is likely in the long run to survive that of Baranyai.

When a widow goes to live with a lover who is not a kinsman of her dead husband and bears him children in concubinage the children are called after her lover in his village and amid his kinsfolk, but they are called after the dead man in his village and amid his kinsfolk. Thus Rainen ♂ and Dol ♂ are known to everyone in Karlual country as sons of Ngwoth ♂ because Ngwoth was a man of the Jikul section of the Karlual tribe but when they go to Bul country they are called sons of Luak ♂, because Luak ♂ was a Bul tribesman. In this way a man may even be called after different fathers in different hamlets of the same village, e.g. Galuak ♂

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(Homestead No. III) was known to us at the northern end of Nyueny as Galuak ♂—Baranyai ♂ but at the southern end he was known as Galuak ♂—Diet ♂, because whilst his genitor, Baranyai ♂, lived at the northern end the kinsmen of Diet ♂, his pater, lived at the southern end. Two ways of referring to a boy may run concurrently in the same hamlet. Thus we spoke equally of Bol ♂—Luak ♂ (pater) or Bol ♂—Panyuan ♂ (genitor) in the hamlet of Nyueny ♂ (Homestead No. IV). 611

When the kin of the pater are numerous and near by and take an interest in the children his name has as much, if not more, currency, than that of the genitor, even though the children continue to live in the genitor's homestead. When the pater's kin take charge of the children his name is used almost exclusively, that of the genitor only surviving among his kinsmen and fellow-villagers. But when the pater's kin live far away, are a small people, and are not closely enough related to the children to take an interest in them the name of the genitor may become established to the detriment of the pater's name, e.g. Karlual ♂—Kwenwar ♂ (Homestead No. IX) and his brothers and sisters are almost always referred to as children of Jany ♂ because they live in Jany's district whereas Kwenwar ♂ was a man of different tribe and his kinsmen have never shown any interest in the children, as will be explained in greater detail later. (In cases of this kind no Nuer thinks of enlightening one about the legal interrelations of the persons concerned and it is necessary to enquire into them if one wishes to discover them.) But however exclusively the lover's name may be used during the lifetime of his sons it has little chance of permanent survival because legally and ritually the children of these sons are united to the lineage of their pater and not to the lineage of their genitor.

Whether it ever happens that the name of the genitor permanently replaces the name of the pater I cannot say. If this were to happen I would expect the line springing from the genitor to regard themselves as members of the pater's clan and to incorporate the genitor into one of its lineages.

Sometimes a man is called after his foster-father. This may happen if the child is born in widow-concubinage and is removed by his mother from the home of his genitor to that of a new lover's home. An example is Nyajol ♀—Kuth ♂ (Homestead No. III).

The patronymic selected by a man for the ordinary purposes of life depends mainly on his place of residence because the name links him to a group. Thus a man who lives in his genitor's village is likely to take his genitor's name and thereby assimilate himself to his local group through ties of kinship. The action is reciprocal because members of the group also incorporate him into their community by use of kinship terms and patronymics; and it is they who give him the name rather than he who takes it. Similarly a man brought up in his maternal uncle's village is generally referred to after the name of his mother and if his descendants remain members of the group this woman is treated in their tree of descent as though she were a man. All Nuer obligations are those of kinship and the patronymics of persons and the kinship terms used to them are

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611 not only indications of their status but also a means of evoking behaviour. Hence it is understandable that a man takes different patronymics in different localities.

611 A child who is old enough to walk and to speak always knows his pater's
867 name regardless of the manner of his birth and the place of his upbringing. His mother always teaches him his pater's name and if there are any of his pater's kin in the village they will impress on the child his true patronymic. Therefore one may ask a very small child for the name of his father and though he will give you the name of his genitor if he is living in his home you can ascertain the name of his pater by asking him the name of *gur dodien*, " your other father ".

611 Owing to the Nuer custom of referring to women of all ages by their proper names one would not usually speak of a woman as " the wife of so-and-so " unless one wished to indicate especially her matrimonial status. One would then speak of a wife in simple legal marriage, in leviritic marriage, and in widow-concubinage, as the wife of the true husband, the man in whose name bride-cattle had been paid. But a woman who is partner in ghost-marriage would be referred to as the wife of the vicarious husband who stands in the place of the true and ghostly husband. Consequently only members of a man's kin and village may know that the woman with whom he is living is not legally his own wife but the wife of a dead kinsman. Other people may be ignorant of the real state of affairs or, if cognizant of them, may not know the name of the ghost-husband. As a courtesy-title one may also speak of an unmarried concubine who has lived with a man for several years as his " wife ".[1]

Before leaving the subject of nomenclature a few words must be said about terms of address between persons who stand to one another in two different sets of relationship, the legal and the biological. It is my experience and it is the statement of my informants that when a man and woman and their children live together, whether the union be ghost-marriage, leviritic marriage, widow-concubinage, or concubinage with an unmarried woman, they use the same terms of address to one another as members of a simple legal family use. There is no reason why in widow-concubinage and concubinage with an unmarried woman the terms for " father " " mother ", " son " and " daughter ", should not be used in the same manner as they are used in the simple legal family. It might be supposed, however, that in ghost-marriage and leviritic marriage the members of the domestic groups that spring from them use terms that indicate their legal, rather than natural, status to one another. As I have said, this is not the case. The terms describing the legal relationship between a man and the son he has begotten (other than in simple legal marriage) are only used in legal and ritual situations and when one of the two parties desires to influence the behaviour of the other by recalling the legal relationship between them and the obligations it entails. A man

[1] The term, '*cek*', has a wider range of meaning than 'wife'. It may be used to describe any woman who has once been married or who has borne children.

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may use the same terms of address to the kinsmen of his genitor as are used by a son to the kinsmen of his pater. 611

X

Often there is opposition between the interests of the legal family and the interests of these other forms of bio-domestic groups, i.e. between the interests of the group united by marriage and descent and the interests of the procreative group united by sentiment and common residence and life. A child is a member of both groups and it often happens that the privileges he derives from membership of the one clash with his feelings towards the people of the other. The extent to which this opposition affects the lives of the persons concerned depends on conditions which vary in each case. It is impossible in advance to know how any particular person will be affected. One can only guess how he will act when one knows the characters and status of the people involved. But the normative principles that govern the behaviour of parents and children may be explained and, in any particular case, their actions will tend to follow the lines here laid down. 602

For the reason explained earlier only the position of sons is considered. Daughters will not stay either with their genitor or with the kinsmen of their pater, but become members of their husband's household. Control over their persons is therefore not disputed and division of their bride-cattle is so well defined by law that it is of minor importance in which locality they are brought up. 611

The simpe legal family in which husband and wife are both the legal and the physiological parents of the children, and have brought them up, has great cohesion, and permanent lines of descent join the father and his sons. The relations between members of such a family are described elsewhere and here it is only necessary to point out that it has an advantage over the other domestic groups under discussion in that the formal status of its members towards one another is generally in harmony with their sentiments, e.g. the feelings of respect and affection of a son to a father are directed towards a man who actually is his father in the full legal sense. Also even when there is friction between sons and their father there is no opposing group to which the sons can attach themselves without losing to some extent the privilege of their birthright. This emergeed clearly from a statement made to me by Nhial who was openly on bad terms with his father: "If he (my father) had been my genitor only (and not my pater) I would long ago have left him and started a kraal of my own." A youth is very firmly bound to his family from motives of self-interest no less than by habit and sentiment of home. If he leaves his family he will not go to live at the home of another man he calls "father" but at the home of his mother's brother. 611 593

When a man marries a wife to the name of his father or brother or paternal uncle the relations between the members of the group that ensues are the same as relations between members of a simple legal family during the childhood and boyhood of the sons, as far as can be judged from behaviour and expression of sentiment, and it is only in legal alignment 593 602 428

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593 602 428 that the groups differ. But when the sons become men, there is this difference between them. A son in the simple legal family has no property rights independent of his father. He does not own cattle in the family herd, which belongs to the father, and he only has disposal over cattle by permission of his father or as his father's heir. But when a man has married a wife to the name of his paternal uncle, or to the name of his brother, the son whom he begets is his father's brother's son, or his brother's son, and belongs to a different family and potentially to a different *gol* (household) to the man who has begotten him. When this son grows up his legal personality is not therefore merged in that of his genitor but in that of his dead pater whose status he assumes and whose property rights he inherits. If the pater left cattle the genitor ought to have held these cattle in trust for his son. Even if the pater, as is often the case, had no cattle when he died, he had potential rights in the herd and these rights his son inherits. Moreover he is almost certain to have had rights in the bride-wealth of female kinswomen and as these cattle became due to him they ought to have been held in trust for his son. The genitor has no legal rights over these cattle. Consequently if a son born in the union of ghost-marriage does not agree with the man who stands in the place of his pater, he is able more easily to take up an independent position, by assuming his pater's status, than a son born in the union of simple legal marriage. The one is already the head of a *gol*. The other only becomes the head of a *gol* on his pater's death. The genitor of a ghost-child is not his pater but a fellow-kinsman and to some extent a peer, and without the legal authority that a pater has over his son. However, I know of no serious dispute between a son born of ghost-marriage and his genitor for the genitor stands in the place of the pater and has the same desire to see his sons happy and wealthy. A son is generally content to let his genitor use his cattle as the genitor pleases during his boyhood, being well assured that when he is old enough to marry he will be well provided for and that far from the genitor's legal sons being favoured at his expense it is he who will receive priority.

604 428 When a man marries a wife to the name of his maternal uncle a more delicate and complicated set of interrelations are brought about. Such a marriage usually takes place when the dead maternal uncle has no close agnatic kinsman, and the sister's son often marries him a wife with part of his maternal uncle's herd and takes charge of the remainder of it. In childhood the relations between parents and children are the same as those between members of a ghost-family in which pater and genitor are agnatic kinsmen, but when the sons grow up differences between them and their genitor are likely to be more acute if the genitor has abused his position of guardian and trustee. For whilst it is no great abuse of trust for a close agnatic kinsman of the pater to use the pater's cattle for his own purposes since he is a proper substitue for the pater in the sense that they belong to the same agnatic, and therefore cattle-group, the sister's son belongs to a different kinship group to the pater and one that does not herd its cattle in common with the pater's people nor share the obligations of mutual assistance and blood-revenge. When the daughters he begets

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by his maternal uncle's wife are married he ought not to use the cattle for his own purposes but ought to keep them till the brothers of the girls are old enough to marry with them, for "the cattle of the father" and "the cattle of the mother" are theirs by right as heirs to their pater. Nevertheless he often takes advantage of the minority of the sons and this sometimes leads to altercations and bad feeling in the family. The history of my servant, Wia ♂, is a case of this kind.

A woman, Nyagen ♀, was stolen when a girl by the Anuak people and was married to an Anuak called Uluri ♂. By him she begat Cam ♂, so-called after an Anuak spirit. Nyagen ♀ then ran away from her husband taking her son with her to another Anuak district where she lived with a man called Wicoko ♂ by whom she bore Bithou ♂.[1] The Lou Nuer then took Nyagen ♀ and her sons captive during a raid into Anuakland. It was discovered that she was sister of Dar ♂, a Lou aristocrat, who took charge of her and married her to Carou ♂, a Gaajok aristocrat, who was also to take her son Bithou ♂ to his home, while her other son, Cam ♂, was to remain with Dar ♂ and be his heir, since he had no sons of his own. When Cam ♂ grew to boyhood he deserted his maternal uncle and went to live with his mother and her husband in Gaajok country and was there initiated into manhood. However, he quarrelled so much with members of Carou's village that he eventually came back to live with his maternal uncle. Before Dar ♂ died he told Cam ♂ to marry him a wife and Cam ♂ took Nyabuom ♀ in marriage to his name with the bride-cattle of Mer ♀, his maternal uncle's sister. Nyabuom ♀ bore Cam ♂ several sons and daughters. I shall not give further details here but mention only the outstanding and relevant facts. Nyabuom's other sons have died leaving Wia ♂, a youth of about twenty-five years of age, as sole survivor. Her daughters have been married and Cam has used their bride-cattle to marry further wives and for other private purposes. In Nuer law his portion consists only of the cattle due to him for having begotten and brought the girl up. "The cow of the paternal aunt" belongs to his mother who is still alive. In taking the whole of the bride-wealth he has therefore abused his trust as guardian of his maternal uncle's son and though he was not prevented from disposing of the cattle he was much criticised for doing so, and finally antagonised his son.

People said: "A good man who was in the position of Cam ♂ would regard Wia ♂ as a man of a different household (*labe ram goal gule*) and would say to him "You are a ghost-child, marry a wife for your lineage" (*Labi gat joka, kweni cek thok dwielun*). Long ago he would have divided his herd and would have given Wia ♂ the cattle of his father's herd and of his sisters' marriages."

But Cam ♂ is quarrelsome and excitable, even unbalanced at times, and has resisted all pressure brought to bear on him to behave according to accepted standards. The kinsmen of Dar ♂ have protested in vain against his abuse of trust and there have been rows about the matter between Nyagen ♀, who supports her son, and her kinsman. The con-

[1] After the Anuak word 'to die' (*thou*). It is equivalent to the Nuer name Bilieu.

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sequence of Cam's action in everyone's opinion is to be seen in the death of all Wia's brothers. The ghost of Dar ♂ is angry because his cattle have not been used to marry his son a wife, and he has killed his sons.

Wia's position is a difficult one. He has been brought up by Cam and has always regarded him as a father. On the other hand he is disgusted with his unfair treatment. His attitude towards Cam ♂ is a mixture of affection and hatred. His attitude is not simply the blend of opposed feelings that one may find in an adult son's attitude to his father in many societies, perhaps any society, but is complicated by the fact that legally he is not Cam's son at all but a son of Dar ♂ and stands to Cam in the relationship of mother's brother's son. When I first knew Wia ♂ he was inclined to accept the position in mute protest and to leave his pater's kinsmen to fight for him a battle which as a son he felt unable to wage on his own behalf. When I met him again four years later his heart had hardened and he was more obstinate. He told me that he had first entered my service, come *rei Turuk*, " among the Turks ", because he could not abide his father's greed. When I left the country in 1933 he was glad to be passed on to my friend Mr. F. D. Corfield, District Commissioner of the Eastern Nuer, whose groom he became. I took him on again for a month in 1935 and we paid a joint visit to Yakwac, Cam's hamlet. Wia was being married at the time and had the full support of his kinsmen in the undertaking and in the struggle with his father which it entailed.

As a result of his service with Mr. Corfield and myself he had collected a small herd at the district headquarters of Nasser. Cam wished him to use this herd as bride-wealth for his marriage. He resolutely refused to do so saying that Cam's herd was composed entirely of cattle derived from his (Wia's) sisters' marriages and that in the past he had used other cattle which rightly belonged to Wia to marry additional wives for himself so that it was Cam's duty to obtain a wife for him out of the cattle of his herd. He was heir to his pater's cattle and it was Cam's business to see that he was married a wife with these cattle and not Wia's business to work with Englishmen to earn cattle for his own marriage. Wia said that he would keep the cattle he had earned and make a second marriage in the future. There were lengthy and sometimes violent discussions on this theme. Wia himself said little but refused to give away. He was so obviously acting within his rights that Cam eventually provided the bride-wealth. By this time, however, Wia was so estranged from his father that he told me he would never settle in his father's hamlet but would live for a time at Nasser and then settle with his pater's people in another village. He is not only angry at Cam's abuse of trust but is also aware that were he to settle at Yakwac and pasture his cattle there Cam is so reckless that he would either try to seize his cattle to contract another marriage or would involve himself in law-suits and having used all his own cattle in paying compensation and debts would then use Wia's cattle for the same purposes.

A man who cohabits with his brother's widow must also remember that he has full rights of parental control over the sons he begets by her only so long as they are minors. When a son has been initiated into manhood he

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takes his pater's place in society and becomes head of his pater's *gol* (household). If his genitor is wise he will respect his son's independent status and will build him a byre next to his own and give him the cattle to which he is heir. When the genitor acts honestly difficulties between himself and his dead brother's son do not arise. His nephews (natural sons) will retain their respect and affection for him and will share their cattle with him. But Nuer are very greedy where cattle are concerned and the temptation to use a dead brother's herd to marry wives for himself during the minority of his sons is often more than a man can resist. This does not matter if he obtains the consent of the widow and explains what he is doing to his small sons and later, when they grow up, provides cattle for their marriages from his own herd. But Nuer say "Women have weak characters and cannot stand up against a man's will" and the genitor may put undue pressure on the widow to get her consent to use his dead brother's cattle for his own purposes, or even act without it. When the sons grow up he finds that he has no cattle left for them to marry with and they are resentful and want to know what has happened to their father's herd. Likewise their uncle may use the cattle of their sisters' marriages for his own purposes while they are still minors and they will not easily forgive this breech of trust when they grow up and want to marry. A son in this position is unlikely to move away from the village in which he has been brought up because this is his own village where his agnatic kinsmen live, but his relations with his uncle may become strained and he may harden in his insistence on his full legal rights in future instead of accepting a friendly give-and-take arrangement. If exasperated beyond endurance he may go to live with his maternal uncles. Conflicting loyalties often make a boy's position difficult, for as a son he feels he ought to respect and obey his "father" and as a nephew he feels he ought to insist on his rights.

Trouble is more likely to arise when a boy falls under the guardianship of his dead pater's brother and is not begotten by him. As explained elsewhere uncles frequently abuse their trust and dissipate the dead man's herd and in these circumstances his sons are almost certain to rebel when they become men.

The correct procedure is for the uncle and guardian to build a byre for his nephew and ward as soon as he is initiated and to hand over to him his dead father's cattle since he has now become head of an independent household. It is a great event when a boy comes of age and can take his dead father's place. The *gol* (household) once again has its head. The *luak* (byre) is once more occupied. The *mac* (fire) of the dead man has been rekindled. It is a day of great joy to the mother and of pride to the boy's kinsmen.

This correct procedure is well illustrated in the case of Ging ♂—Ging ♂ who was resident at Nyueny during my visit, at the home of Dhoal (Homestead No. XX), his sister's husband. His father was killed in fighting some years ago and he was brought up at the home of his mother's lover, Liep ♂—Deng ♂ of Kar village. When he was old enough to be initiated his dead father's brother brought him back to his paternal village

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604 of Tutgar so that the rite might be performed there for it is a dishonour to
428 a boy's agnatic kinsmen if it is not performed in their village and nothing
884 more strongly binds a boy to them than the knowledge that they undertook the expenses of his initiation and the remembrance of the place where he suffered so great pain to win his manhood. After his initiation Ging ♂'s uncle built him a byre and handed over to him his father's cattle. Although he is only a small boy he is a *gwan cieng*, an independent householder. I used often to talk to him and he was very proud of his position and of having a byre and cattle of his own, and evidently liked and respected his uncle. By acting straightly with Ging his uncle firmly attached him to his father's people and though he pays, and will continue to pay, frequent visits to his mother and his foster-father he will never desert his agnatic kinsmen among whom he has his byre and herd.

The heritage of children must be respected. Thus, to give one more example: the widow, Nyaruithni ♀ (Homestead No. VIII), has her own byre where her dead husband's cattle are herded by her brother's son, Gai ♂. The byre and herd are being held in trust for her little son, Malith ♂, and when he is initiated he will assume sole charge of them. In a case of this kind it would be impossible for one of his maternal uncles to use the cattle during his minority for the others would not allow him to do so. Moreover, this would be a serious offence in Nuer eyes because when Nyaruithni ♀ was married they received her bride-cattle and it would be very wrong to add to these cattle those of her children. The husband's kinsmen would strongly object. Probably Malith ♂ will let Gai ♂ have a few cows to help him marry but this will be a gift out of affection and of gratitude for his services.

The difference between this case and that of Ging ♂ is that in Malith's case his maternal relatives are acting as his guardians whereas in Ging's case it was his paternal relations who were his guardians. It remains to be seen, however, whether Malith's paternal relations show sufficient interest in the boy to bring him to their home to be initiated. If they do this he will probably join them for good.

X

604 The opposition between the legal family and the biological family is
428 most evident when a son is born in widow-concubinage. The opposition is clearer, and hence the sociological interest greater, because in ghost-marriage and leviritic marriage the genitor is a legal substitute for the pater whereas the genitor of a child born in widow-concubinage has no legal status as pro-pater. If the pater's brothers are alive and family feeling is strong they are likely to insist on his sons being initiated in their home and living with them after initiation. They may also bring his daughters to live with them and marry them from their home. The genitor cannot deny them their right when they tell him *Gorena goat ghok ke*, "We want the children of our cattle". Thus it often happens that a boy is brought up amid one social group but belongs legally to a different social group. The sentiments of childhood attach him to the home of his mother and genitor and while he is small he does not think of

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any other place as his home. But when he reaches manhood the sense of kinship so strong in Nuer, and the desire for the cattle of his pater's heritage, attract him to the village of his true paternal kinsmen. 604 428

Which group he finally joins depends on a number of conditions. The most important of these conditions is the existence of close kinsmen of the pater for if he left behind him brothers they are almost certain to want their child to live among them. Thus where we find adult sons living with their genitors in Nuerland it normally means that they have no very close agnatic kin whom they may regard as "fathers" and "brothers".

A further factor, closely bound up with that of the existence of close agnatic kin, is the disposition of herds and the allocation of rights in them. During a man's lifetime he usually divides his herds among his wives but they have only use of the cattle for milk and have no rights of disposal in them. They hold them in trust for their sons who after initiation have full control over them. When I suggested to Nuer that the widows might disperse and take the cattle to the homes of their brothers and lovers my remarks always evoked disapproval. "That is impossible. The eldest son (if initiated) would not allow it. He would say 'These are our father's cattle. They must remain in our father's byre'." If the widows scatter, the children and the cattle must remain in the homestead of the dead man. That is the rule and it is only when the dead man has no close kinsmen to enforce it that the widows may remove the children and the cattle. Even if they are permitted to do so the brother, or lover of a widow would take a serious risk were he to dispose of the cattle, for when the sons grow up he will have to give an account of his stewardship and if he has disposed of the cattle it is not unlikely, Nuer tell me, that one of the sons will split his head open with a club. [578]

A widow is only allowed, in normal circumstances, to keep the cattle if she remains in her dead husband's village and takes a lover or is visited there by a lover from another village. If she goes to a lover's home she may, perhaps, take a cow to nourish her babies but the herd will remain with her husband's brothers. In either case the lover has no control over the cattle though sometimes the widow and her children, if she retains the herd in her husband's home, may assist the lover to marry by giving him the right. Thus Nyamani ♀ (Homestead No. IV) gave Panyuan ♂ a cow to assist him to marry, but Bilieu ♂, her son, was old enough to understand what was happening and to give his consent. Nuer say that if a lover managed to use the cattle without hindrance at the time his sons would drive him away when they reached manhood and might even injure him. They would also raid (*kwal*) his herd to recompense themselves.

I do not know of a single instance among the widows who have left their husband's village and come to live at Nyueny where one of them has brought cattle with her. The cattle have been kept by the kinsmen of their husbands and the widows "have come to Nyueny only for children." 588 428

It is only in rare instances, where the pater has no close kinsmen, that a lover becomes guardian of the children and trustee for the cattle. When the daughters are married the "cattle of the father" and the "cattle of

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588 428 the mother" may then mix with the genitor's herd and he held in trust by him for the brothers of the brides. In such cases the genitor has assumed the full responsibilities of a pater and the daughters will be married from his home and the sons initiated there. Even so the widow and her lover may occupy nearby but separate homesteads, each family keeping itself spacially distinct as they are legally distinct. Panyuan's father-in-law and mother-in-law live in such circumstances.

Since a lover does not have control over the pater's cattle he is at a serious disadvantage when his natural sons grow up for they will want to own cattle both for display and for marriage and are drawn irresistibly to the home of their pater's kinsmen in whose charge are the cattle. It would be very difficult for a boy to remove the cattle to the home of his his genitor. That would cause a row of the first magnitude. A dead man's cattle must occupy his byre till his son is old enough to be initiated and to take his father's place in the byre. It is only when a genitor is rich in cattle and his natural son is assured of marrying a wife from his herd while his pater's kinsmen are poor and have no cattle to give him that he might remain with his genitor instead of joining his uncles. I think that this is rare. Where there are full-brothers of the pater alive and where the pater's herd still exists there are these two powerful magnets, sentiment of kinship and sentiment of cattle, drawing a boy away from his mother and his natural father.

Of the two, sentiment of kinship is perhaps the stronger. A man who lives in his genitor's homestead and village is always to some extent an outsider living there on sufferance. A man who lives in his pater's homestead and village is there by right of birth. The byre he sits in is his own byre. When he sprawls in contentment in the ashes of the *gol* (household) it is his own *gol* and from it he watches his own herds. He is one of a band of owner-kinsmen. To one he is a son, to another a brother, to yet another a father. Hence a Nuer said to me when explaining the position of a boy born of a widow-concubine: "He will visit his mother and the man who begat him now and again, sometimes for a month or two, but his home is the home of his dead father."

A youth's allegiance also to some extent depends on the precise nature of the widow-concubinage in which he is born. If the widow continued to live in her dead husband's village or if she went to live with her own people and was merely visited from time to time by a lover for procreative purposes the genitor counts for little. But if her lover formed part of her household, even if not entirely resident there, he is of greater importance and the children will retain their affection for him and pay him frequent visits if he is later separated from them, for they will be brought up among their paternal or maternal kinsmen while he may return to live among his own people.

588 428 593 When the widow lives at her lover's home and the children are brought up there the relations are more complex. The genitor has no legal control over his sons and if one of them has a disagreement with his genitor he will join his true kinsmen without qualms. It is to his interest to join them and if it is also his inclination to separate from his genitor his depar-

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ture will be easy and final. But normally the bonds of affection between genitor and his sons are strong because the genitor, knowing how deep an influence feelings of kinship and cattle interests will have on his sons when they grow up, tries to win their love while they are still small so that it will endure all the changes of life. He pets them, feeds them, attends to their infant needs, and plays with them.

A Nuer once said to me: "When a man has a son by a widow-concubine he wishes the child to be with him the whole time so that when the child grows up he will know him and not desert him but remain in his home." Another Nuer said: "A man will be irritable with his own son and swear at him saying, 'I will commit sodomy with your mother right now', but he will not speak thus to his son by a widow-concubine. He pets him and wins his affection so that he will stay with him always."

Yet however strong the affection between a genitor and his sons born in widow-concubinage they often desert him when they grow up and go to live among their own kinsmen. This is a great stumbling-block to Nuer. You love and nourish the children of your loins but one day they say that they are going to the *gol* (household) of their father who married their mother with cattle. "You think how when they were little you carried them in your arms and played with them and fed them with titbits, and now they have gone to live with a man who did not bring them up, because it was with his cattle that their mother was married." People say: "Look at the *gol* (household) of so-and-so. It was once strong in young men. Now his *gol* is weak. Oh these children of widows!" They say also: "Better the children of an unmarried concubine for they are your own children. They may visit the home of their grandparents (maternal) but they are children of your *gol* and they will not desert you when you are old. But the children of widows will grow up and yearn for their own people and leave you who have brought them to manhood."

Sentiment and self-interest draw a man away from his genitor and foster-father towards his kin. His kin welcome him to his paternal home and give him the full status and privileges to which his birth entitles him. The stigma of being born a *gat luka*, a "child of widow-concubinage" is not attached to a man in his pater's village. He is by rights a member of his pater's group and Nuer do not consider it ignominious for him to have been born in concubinage. On the other hand a man who remains in his genitor's village may have the stigma of his birth cast in his teeth in quarrels. People may speak contemptuously of him as *gat kumeme*, "that son of a concubine". I was told that the boys of the genitor's household would be careful not to make remarks in his hearings for he would be angry if he heard them, and that they would not allow an outsider to insult the boy with impunity. But the genitor's legal sons, his natural half-brothers, may let him see that they do not regard him as one of themselves. If he is unhappy in his genitor's village he may join his pater's people or, if there are no close kinsmen of his pater alive, he may go to his maternal uncle who will not refuse him a home and cattle. But

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Diagram IX

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if his genitor gave him cattle the sons of the house would not let him take them to another village. 588

However, as stated previously, one cannot be certain in any given case what will happen and it is only possible to indicate general principles from the statements of Nuer, particularly from their statements about actual cases. 428 593

An instructive and typical case is that of the family of Luak ♂ (see Diagram No. IX). Luak was the son of an unmarried concubine, Gil ♀, who cohabited with his father, Wir ♂. At other times she cohabited with Dak ♂, by whom she bore a son, Banypiny ♂, now dead, and with a Jikany tribesman by whom she bore another son, Galuak ♂, also dead. When Luak ♂ grew to manhood he lived with the widow of Cangath ♂, named Nyayil ♀ who bore him four daughters. He also brought up Gogh ♂, a son of Nyayil ♀ by her husband. There were strong ties of affection between Gogh ♂ and Luak ♂, and when Gogh ♂ after his country had been raided by a Government patrol came to Nyueny to live with his maternal uncle, Ngunjok ♂, his foster-father (Luak) accompanied him. Gogh ♂ died from a fishing-spear wound received at a scramble for sacrificial meat. He left two widows, Nyameat ♀, who now cohabits with a Lak tribesman and Bol ♀, who now cohabits with Gatpat, a Dok tribesman in Government employ. Bol ♀ has borne Gatpat ♂ a male child.

When Luak settled at Nyueny he married Nyamani ♀ (Homestead No. IV) by whom he begat a daughter, who is married, and Bilieu ♂, a boy who is about twelve years of age. When Luak ♂ died there were no kinsmen closely enough related to Bilieu ♂ to take charge of him, Luak's two uterine brothers having predeceased him, so he and his mother remained in his father's home. His nearest agnatic kinsman was Nyuot ♂, Luak's father's brother's son.

The widow Nyamani ♀ then became concubine to Panyuan ♂ of Homestead No. IX. She bore him twins who died and Bol ♂ who is alive. Panyuan ♂ lives with his brother, Karluai ♂, but spends a great part of the day at Nyamani's homestead and, were she not pregnant, would be sleeping there at night. He is a hard-working gardener and the garden he has cultivated for Nyamani ♀ is one of the most extensive and best-weeded at Nyueny. He acts as a father towards both Bilieu ♂ and his own son Bol ♂, and would like to bring them up as if they were his legal sons and to make them permanent members of his byre and to initiate them at his home. He assured me again and again that he would never willingly consent to their departure from the village. So far all is well. The paternal kinsmen of the boys show no great interest in them and in any case would find it difficult to interfere with the family while it remains in Luak's homestead. As Panyuan ♂ said about himself and Luak ♂: "After all we are members of the same local group (*ezec*)".

But Panyuan ♂ is well aware that he has no legal control over the children and that when Bilieu ♂ is initiated next year he may lose them for Bilieu ♂ will then be head of the family and will have control over his brothers and sisters and the cattle. If he and Panyuan ♂ do not agree together or if the village does not suit him he may migrate to his father's

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588 428 593 kinsmen and take his family with him. It is quite likely, moreover, that Panyuan ♂ and Nyamani ♀ will drift apart when Panyuan ♂ brings his recently espoused bride to his home, for she will be mistress of the home and reside in it whereas Nyamani ♀ will remain in her dead husband's home. It is not feared that the two women will quarrel but it is anticipated that Panyuan ♂ will naturally no longer feel his interests so bound up with Luak's family when he has a family of his own. At present, from Bilieu's point of view, Panyuan ♂ is attached to Bilieu's family and homestead, but when Panyuan ♂ becomes an independent householder it is they who will be living as an adjunct to his household. I was told that the relations between the new wife and Nyamani ♀ are likely to be influenced by the fact that the new wife belongs to the Gaawar clan and Nyamani ♀ to the Jwal clan. Members of these two clans may not share the same shelter during rain, a prohibition that makes close domestic intercourse difficult during the rainy season.

The family possess very few cows and these are tethered with Panyaun's cattle in his brother's byre. Bilieu's elder sister ran away with a man and Bilieu ♂ being still a boy was unable to extract cattle from him. His kinsmen did not offer to act on his behalf in the matter, Panyuan ♂ had no locus standi, since he was not the girl's pater or his representative. When Bilieu is initiated he will insist on bride-cattle being paid.

When I have suggested to Panyuan ♂ that he may one day lose his children by Nyamani ♀ he has always refused to countenance the suggestion, saying: "They are my children and will remain at my home." But he knew well enough that the decision will rest with Bilieu ♂, who though still a boy, understands the position clearly and knows his rights. If they disagree they will try to settle the matter amicably because if either the living genitor or the ghostly pater is angered the children may die. If Bilieu ♂ says that he is going to move and to take his cattle with him Panyuan ♂ may ask for his children to remain with him and for the cattle to be divided but Bilieu ♂ would be against such a proposal. What finally happens will depend most on the wishes of Nyamani ♀ for Bilieu ♂ will listen to his mother's advice. My own opinion is that the whole family will move during the next few years and that they will leave a few cows with Panyuan ♂ in recognition of his services.

Panyuan ♂, therefore, as other men in his position, tries to bind his sons to him by strong ties of affection. Bol ♂ accompanies him everywhere, holding his hand, sitting on his thighs, and playing with him. He is overjoyed when he sees his father coming and weeps when he sees him setting out on a journey. Panyuan ♂ is his father, comrade, protector, and playmate. The road to children's regard being through their bellies Panyuan ♂ always brings back from a feast choice titbits for his little son. He also treats Bilieu ♂ with kindness and indulgence and tries to win his affection but in Bilieu's case it is not so easy because he knew his real father.

Panyuan knows that once he has won the affection of the children, they will not forget him when they grow up and, that even if they move to another district they will often visit him and spend weeks at his homestead. If they are in trouble in their new home they will think of their father who

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brought them up and of his old kindness and will join him again. The bond of love will never be entirely broken. 588

If a genitor wins the affection of his sons in this way he may be able to keep them with him, especially if he and the kinsmen of the sons occupy the same village. Thus Galuak ♂—Diet ♂ lives with his genitor although his mother and his legal brothers are living at the other end of Nyueny. Galuak is now a man and can decide for himself in which homestead he wishes to reside and as he lives in their village his brothers do not object to his remaining with his genitor. Baranyai is a very straightforward man and his son knows that he will be able to marry a wife from his genitor's herd when he is old enough to do so. His interests need not therefore conflict with his affections. His relations with his legal brothers are harmonious but "they have the business of cattle between them. That is all", i.e. they have the legal status of brothers and cattle of the bride-wealth of kinsmen are divided accordingly, but they do not otherwise behave as brothers. 428 593

Nevertheless, if I were to bet on whether a man remains finally with the people of his pater or the people of his genitor I would always back the pater's side. Most experienced Nuer take this view. Thus when I consulted Karlual ♂ about the relation between his brother Panyuan ♂ and the children of Nyamani ♀ he gave it as his opinion that Panyuan ♂ might keep his children by winning their affection and by retaining the goodwill of their mother though he considered that it was most unlikely that he would keep them, and added that if the family wished to move Panyuan ♂ would be unable to prevent their departure.

He quoted his own case in support of this view. He at one time lived with Mer ♀, the widow of Nyong ♂—Bidiit, by whom he begat two children, Nhial ♂ and Nyaluk ♀. He brought them up in his home and Nhial ♂ was even initiated there, but one day in his absence the widow departed, her children with her, to Rengyan country to the home of Dang ♂, her dead husband's son by another wife. Nhial ♂ is most unlikely to join Karlual ♂ because the only reason for doing so would be a quarrel with his half-brother Dang ♂ and since he has his own herd the most frequent occasion for quarrels between brothers is lacking.

Karlual also at one time cohabited with Nyapini ♀—Wic ♂, the widow of Bup ♂—Thol ♂. She bore Karlual ♂ two children Gaac ♂ and Nyatop ♀, before she was killed by lightning. Both children are now living with their pater's kinsmen and Karlual has no hopes that they will ever come to live with him.

Karlual is himself a *gat laka* (son of a widow-concubine) and though his own history illustrates the circumstances in which a genitor may retain the children of a widow-concubine it also shows how powerful are sentiments of kinship even when conditions are least favourable to their growth. 587

Kwenwar ♂—Cueny ♂, an aristocrat of the Lang tribe married Nyajal ♀. He died in a year of famine shortly after his marriage and his wife came to live with a man of the Juak clan in Karlual tribe. This man, Jany ♂, was for a time ignorant that Nyajal ♀ was married and thought 588 428 593

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587 she was an unmarried concubine. By her Jany ♂ begat Karlual ♂,
588 Gogh ♂, Baranyai ♂, Nyaudol ♀,
428 and Nyaruithni ♀. Jany also
593 married a wife, Nyamani ♀, to the name of his dead father, Col ♂, because he thought that his father ought to have a second wife. By her Jany begat Nyadang ♀, Nyawal ♀, Meat ♂, Panyuan ♂, Nyakwoth ♀ (married in Lek country), and Nyangir ♀ (married in Jikany country). Jany ♂ also had relations with an unmarried concubine Nyalieth ♀, by whom he begat Loc ♂, Lathjor ♂ (dead), Gwanbul ♂ (dead), Bi ♂ (lives in Lek country), and Wec ♂. After Nyalieth ♀ bore her first child, Jany ♂ paid some bride-cattle to her kinsmen and the ceremony of invoking the cattle was performed to legitimatize the union. Jany ♂ also married Nyaluak ♀—Gai ♂ by whom he had a daughter, Nyabiel ♀. On Jany's death his son, Karlual, cohabited with this woman but she died at his home without having borne more children. Karlual ♂ brought up her daughter but she died recently while betrothed to a Jikany ♂ tribesman. When Jany ♂ died he was betrothed, but not married to Nyading ♀—Thiep ♂. Following the usual practice this woman was therefore married to his name after his death (*Caa kwen jokde*) by one of his sons, Gwanbul ♂, to whom she bore Jor ♂, Nyagaagh ♀, Nyangir ♀, and Nyabilieu ♀. She died last year, Gwanbul having been killed in war some years earlier. Jany ♂ lived originally at Puic but when the fighting between the Riaagh and Doang sections compelled the Riaagh people to move to Lual country, Jany came with them.

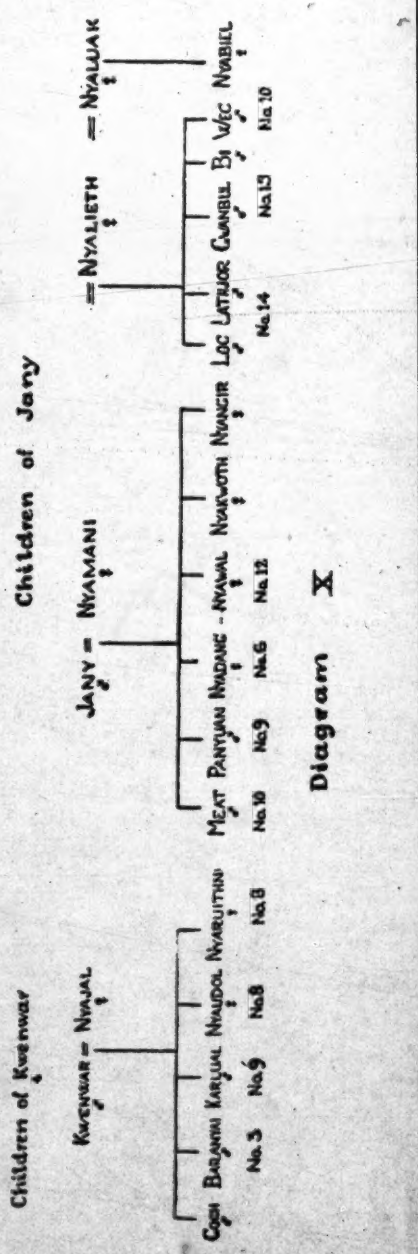
Children of Kwenwar
Children of Jany
Kwenwar = Nyajal
Jany = Nyamani
= Nyalieth = Nyaluak
Gogh Baranyai Karlual Nyaudol Nyaruithni
Meat Panyuan Nyadang - Nyawal Nyakwoth Nyangir Loc Lathjor Gwanbul Bi Wec Nyabiel
No. 3 No. 9 No. 8 No. 8
No. 10 No. 9 No. 6 No. 12
No. 14 No. 13 No. 10

Diagram X

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In the case of Nyajal there were a number of circumstances highly advantageous to the genitor of her children. Kwenwar had died without leaving brothers or sons behind him, his other wife and her son having died also. There were, therefore, no close kinsmen of their pater with strong enough feelings of kinship towards Nyajal's children to claim their custody. Absence of close paternal kinsmen also meant that there was no magnet to draw the sons away from their genitor, for a youth who might desert his genitor and foster-father to take up residence with a full brother of his pater would not desert him to reside with a more distant kinsman of his pater, for this man would not feel that he stood towards him in the place of a pater. Moreover Nyajal remained with her lover and did not wander from place to place as some widow-concubines do, so that the group had all the stability of a simple legal family.

It was therefore possible for Jany to bring up his family free from outside influence. When Nyajal's eldest daughter was married Jany made a declaration at the marriage talk: "These are the children of my loins and I brought them to manhood. It shall not be said that they are the children of any man but Jany. Therefore I shall take as my portion of the bride-cattle a cow and a calf and an ox for my loins and, besides these, a cow of the spirits shall be mine. And by this it shall be known that the children of Kwenwar have a right (*cuong*) in the cattle of my daughters' marriages. But if I do not receive a cow of the spirits they will have no right in the cattle of my daughters' marriages. They shall be counted the sons of Kwenwar and not the sons of Jany. But let the people in the byre hear: they are the sons of Jany and have rights in the cattle, for I will take a cow of the spirits, and no man shall point to them and say 'They are born of a widow-concubine' (*ce ka de nyuoth lak*).

This speech of Jany, recounted to me by one of his sons, contained the following implications: I begat these children and brought them up and the kinsmen of their pater have taken no interest in them. Therefore, as begetter and foster-father of the girl about to be married I want as my share in the bride-wealth not only a cow and its calf and an ox for having begotten and nurtured the bride, but I also demand a cow to be dedicated to the spirits of my lineage to show that I am really her father. If my demand is accepted then I agree that in the marriage of my daughters by my other wives the children of Kwenwar whom I have begotten shall have the same rights as my own children in their bride-cattle. When the bride-cattle are being divided we will not regard them as Kwenwar's children but as my own children. Thus we shall give them rights in the bride-wealth (*cuong ka*).

Normally, the "cow of the spirit" would go to the pater, or his heir, as a dedication to the spirit of their lineage so that when Jany asked for it to go to him to be dedicated to his lineage he was suggesting that his status should be recognized as that of pater rather than that of genitor. In law the sons of Kwenwar need not receive any cattle of the bride-wealth of daughters of Jany by other women because the "cattle of the father" would go to the legal sons of Jany and the "cattle of the mother" likewise. The recognition of Jany as a kind of pater in respect of bride-wealth

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587 would therefore be balanced by the acceptance of the sons of Kwenwar as
588 though they were the sons of Jany in division of bride-wealth.

The children of Kwenwar and the children of Jany are figured in
428 Diagram No. X. As previously explained, the persons shown there as
593 the children of Jany by Nyamani are legally the children of Col, the father
431 of Jany. However, in the village they are always known as *gaat Jany*, "the children of Jany" and their womenfolk always speak of *kon man gaat Jany*, "we, the womenfolk of the sons of Jany". At the present time the distinction is entirely one of nomenclature since Jany married Nyamani in ghost-marriage. Likewise in the same diagram the children born of Nyading who was spouse in ghost-marriage to Gwanbul, a son of Jany, who took her in marriage to his father's name, are omitted. For we are now treating of bio-social actualities rather than legal configurations and these actualities can be understood better if all legal configurations, other than those strictly relevant to the particular problem being discussed are omitted.

587 How strong are the ties of legal affiliation where the pater belongs to one
588 clan and the genitor to a different clan may be seen in a difficulty that arose
428 between the sons of Kwenwar and the sons of Jany during my residence
593 at Nyueny. The sons of Kwenwar said that as several of their wives and
578 children had died in recent years they intended to move to Lang country, to the home of the kinsmen of their pater. The sons of Jany are opposed to this move. They say that they have always accepted the sons of Kwenwar as brothers, and that they have always treated them as such in division of bride-wealth. They have always given them the support which brothers are supposed to render to each other. They now recollect with bitterness all the bride-cattle of their sisters that they have so generously divided among the sons of Kwenwar, for on the marriage of each of their sisters the sons of Kwenwar have received a share of "the cattle of the father" when it would have been to the advantage of the sons of Jany to have treated them as members of a different family and lineage, a social distinction which they are now putting forward in favour of their contemplated move.

Panyuan ♂ told me that if the sons of Kwenwar move this principle of share and share alike will be abandoned and that in future each of the two legal families concerned will insist on their strictly legal rights (*cuongde*). The sons of Kwenwar will no longer profit by their generosity. They may ask for what is their legal due but will receive no more. According to Nuer ideas they might claim a cow or two on the marriage of Jany's own daughters even if they could not insist on their claim. But, in fact, they have received the major part of the bride-cattle of each daughter, because, being the eldest sons, they were the first to marry. Panyuan ♂ felt very sore at their talk of departure and recounted to me in detail all the cows
587 and oxen they have received from the sons of Jany.
588 Baranyai ♂ is the most anxious to move. Panyuan ♂ told me that
428 Baranyai ♂ thinks if the sons of Kwenwar go to Lang country they will be
593 among their true kinsmen, but that they will find that the sons of Jany are their real kinsmen when they have lived there a short time. They

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will soon discover that no one in their pater's home cares about their welfare. Then they will return to their brothers, the sons of Jany. "For a man thinks that he will profit himself if he goes to a distant country but there comes a time when he remembers the place where he was born and his heart yearns for the place of birth and he returns there". 587 588 428 593

If Baranyai ♂ departs Karlual ♂ will certainly accompany him and will take his son, Tang ♂, with him. His other son, Gai ♂, would like to accompany them but he is looking after the herd of his aunt, Nyaruithni ♀ and, although she is a daughter of Kwenwar, she refuses to leave the village so soon after her daughter's death by lightning. If her brothers go she will probably follow them in the next two or three years and then Gai will accompany her. Possibly Gogh ♂ will join them also.[1]

Thus, although in everyday speech, all these people call themselves children of Jany and not children of Kwenwar so much so that Karlual could tell me the ascendants of Jany in full whereas he knew very few of the ascendants of Kwenwar yet they belong to distinct lineages, clans, and even tribes. Though people have always regarded them as a single family, yet they belong to two distinct families, and not only in a formal legal sense, for we see how strong an influence legal descent may be in influencing behaviour when these sons of Kwenwar wish to depart to the home of a pater whom they never saw and of whom they know very little and to reside among kinsfolk who have shown scant interest in their concerns.

For had Kwenwar close kinsmen they would have visited "their sons" and might have taken them from Jany and brought them to their father's home. At least they would have got to know them so well that when they grew up they would have known that they would receive a welcome from familiar kinsfolk and would receive the full privileges of close agnatic kinship should they come to live among their paternal uncles and cousins. But the surving kinsmen of Kwenwar were distant kinsmen and they only visited Jany and his sons when cattle were due to them on the marriage of his daughters by Nyajal. Consequently they were brought up as sons of Jany and to regard the Juak clan as their own people.

While Baranyai ♂ talks of going to his pater's country he asserts a principle of paternity that he denies when he says that he wishes his natural son, Galuak ♂, to accompany him. Though Galuak's legal brothers, the sons of Dit ♂, have not objected to his living with Baranyai it is village opinion that they will strongly oppose his leaving their village. They cannot compel him to remain but they can use the strong appeal of kinship to persuade him. Thus Yang ♂, of Homestead No. XIX, said to me about Galuak: "His mother is with us. She is the wife of our people. He will remain with us and build himself a byre and be among his father's kinsmen". Yang said that Galuak will not live with his brothers but will remain in their village among the Riaagh people who married his

1 Gogh ♂, who is married, lives in the neighbouring hamlet of Nyathiang, of the Riagh lineage. He and his brothers lived here after leaving their original home at Puic. When his brother came to Nyueny, Gogh ♂ decided to remain at Nyathiang for the time being.

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587 mother. I expect that if Baranyai moves Galuak will accompany him
588 but that, if Baranyai does not return to Nyueny, Galuak will one day by himself.

428 Nuer say that it is always the same with sons of widow-concubines.
593 One day a longing to join their kinsmen overcomes them and they leave their genitor. When Nhial was talking to me about this subject he said: "Look at the sons of Gwanbul, Thak ♂, and Thor ♂, whom he begat by Nyanor ♀—Let ♂, the widow of Doub ♂—Mayan ♂. The sons of Jany brought them to manhood and now where are they? Have they not gone to live with their own people in Jikany country? When they visit the brothers of their father (genitor) is it not to beg for a gift?"

I have mentioned that the future residence of the sons begotten by Panyaun will largely depend on the attitude of their mother. Also in Galuak's case the fact that his mother will remain at Nyueny among her husband's people is likely to prove a decisive factor in persuading her son to return there also. A genitor has small chance of keeping the children if he cannot keep the mother. A case in point is that of Juan ♂. Nyawal ♀ (Homestead No. XII) was married to a Ngwol man called Lam ♂ to whom she bore two children. On her husband's death she went back to her own people, the sons of Jany, and in their village cohabited with a Jikul man named Juan ♂ to whom she bore six children. Juan ♂ is now blind and lives among the Jikul because Nyawal ♀, by this time too old to bear more children, quarrelled with him as widow-concubines so often do with their lovers, according to the Nuer, for "when a widow-concubine has finished child-bearing she has no more use for her lover". As his children have been brought up by their maternal uncles they remained with their mother.

In this case the weakness of the natural family is well shown, because if Juan had been their legal father, or even a legal substitute for their father, the sons at any rate would certainly have followed him and left their mother. As it is they feel that their genitor's people are not such close kinsmen as their maternal relatives, for relatives of a genitor never acknowledge his children as true kinsmen, for they belong to the lineage of their pater. People say that since Juan is now blind he will come to live with his sons at Nyueny because he is very devoted to them, and they to him. Bilieu, the eldest son, was clearly fond of his father and it was touching to see his younger brother, Ghuth, leading his blind father from place to place when he visited the village.

A genitor is by no means an unimportant person in Nuer society. Even when he has had little to do with his children he is united to them by a mystical bond. If he feels ill-disposed towards them he may by mere disposition cause them an injury. In very favourable circumstances the children may be initiated and married from his home and have filial regard for him alone. If circumstances are not favourable and his sons desert him they will often visit him, sometimes spending a season at his home. Whichever group a youth joins, his pater's, his genitor's, or maternal uncle's group, the members of the other groups will not refuse to help him if he is in difficulties, for even with his genitor's people he has

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a kind of kinship. Very often when a man has no legal children of his own he will join his natural children in their pater's village, as it is suggested that Juan will do and as Luak, the father of Rainen and Dol (Homestead No. VI), did. 587 588 428

A youth often asks his natural father for a gift. In fact *liem*, the begging of a gift, is considered highly typical of this kind of father-natural son relationship, particularly when the son wants to marry, for he may then ask his father for a cow. I was told that "The father will not care to refuse his request for it is his own son who makes it". If he can afford it he may even give him two cows. The son is not demanding a right (*cuong*) but a privilege by an appeal to affection (*liem*). 593

A man respects the totemic and other spirits of his genitor and he will not marry into his genitor's lineage. If the bond between a man and his natural son is a very strong one they may act towards the kin of their genitor on the same pattern as they act towards the kin of their true agnatic kinsmen, e.g. in assisting them to pay compensation for homicide and to pay bride-wealth. Natural descent is also recognized in performance of ritual. Thus at a ceremony I witnessed at Nyueny in honour of the ghost of Yoah (Homestead No. VIII), Dol sacrificed a goat. Dol was a natural son of Luak who was related to Yoah.

XI

Something has been said about the relations between sons and "fathers" in simple legal marriage, in ghost-marriage, in leviritic marriage, and in widow-concubinage. It remains to say a few words about the relations between a *gat keaka*, a son of an unmarried concubine, and his pater (his genitor becomes such after he has paid a legitimatization fee). His position is very different from that of a *gat laka*, a son of a widow-concubine. "A *gat keaka* is your own son". So long as you are kind and generous to the boy he will not desert you, for you are both his genitor and his pater and if he deserts you he has no other "father" to whom he can go. Thus Karlual (Homestead No. IX) has two natural sons: Twong and Kong. At present they are living with their mother in Rengyan country. When Twong said that he wanted to go to his mother, Karlual without demur told his grown-up son, Tang, to take him to her, knowing that the boy would soon return, "Because he is old enough to know his father and when he returns he will not leave his father, for when his father kills an animal he will keep meat for him to eat and when food is served in the byre he will call his little son to eat with him". When I asked Panyuan whether the mother would also return he said: "She has gone to her brother's house and there another man will cohabit with her and if she has children by him she will remain with her children. But if she has no more children one day she will come back to Karlual, so that she may be with her sons." 588 593

Nevertheless, neither a *gat laka* (son of a widow-concubine) nor a *gat keaka* (son of an unmarried concubine) are so strongly bound to their genitors as a *gat ghok pany* ("a true child of cattle" i.e. a child born in the union of simple legal marriage). If a boy born of an unmarried con-

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588 cubine is dissatisfied with his lot in his father's home, or if his father
593 dies, he may go to live with his mother's people, by whom he is often brought up before he is initiated into manhood. Thus Riek (Rwac) (Homestead No. XX) was brought up at his maternal grandfather's home and has only recently come to live in his father's homestead in order to be initiated there. I was told that he will continue to pay visits to his maternal grandfather's village, but that if he is satisfied with his pater's home he will make it his permanent village. As a matter of fact I received the impression from several small incidents that this particular boy was lonely and not at his ease with the other boys of his pater's kraal.

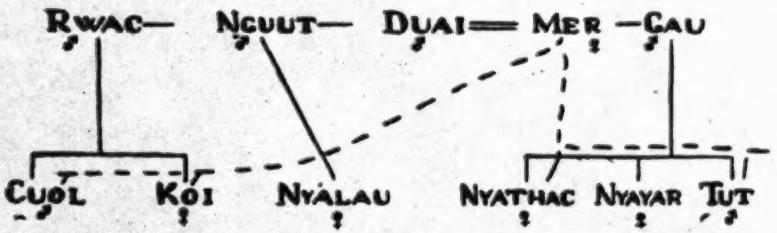

Diagram XI

On my first vist to Yakwac in Lou country a youth called Cuol was a member of the household of Cam, in whose byre he slept. Cuol was the son of an unmarried concubine called Mer ♀, the sister of Dar, the pater of Wia whose circumstances have just been related. Cuol was therefore living with his mother's people while his mother was living with her latest lover in Jikany country. Mer's history is so typical of the adventures of unmarried concubines that I show it in Diagram No. XI. She was first married by a man called Duai who divorced her before she conceived. She thus reverted to the status of an unmarried girl but instead of being married again she went to live with a lover, Nguut ♂, to whom she bore a daughter, Nyalau ♀, who has died. Mer ♀ then left Nguut ♂ and went to live with another lover, Rwac ♂, to whom she bore Cuol ♂ and Koi ♀. She then went to live with Gau ♂ at whose home she still resides. To Gau she has borne Nyathac ♀, Nyayar ♀, and Tut ♂. In 1931 Cuol was living at Yakwac where we always spoke of him after his mother's name: Cuol ♂—Mer ♀. Nevertheless, he often visited his mother and the people of Yakwac did not regard him as a full member of the hamlet since he possessed no cattle there and might at any moment go away to live with his mother and never return. This is precisely what
[835] happened. In 1935 I missed him at Yakwac and was told that since he had had relations with a girl betrothed to Wia, and with whom Wia himself was having relations, he had not returned to the hamlet. Cuol's action was not only a breach of kinship standards but was also incestuous, since Wia was legally, though not biologically, his mother's brother's son.

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XII

I have given a description of different types of union found in Nuerland and of the groups that arise from them. I have illustrated each type mainly by quoting examples from the village of Nyueny. I could have drawn on villages in other parts of Nuerland. 121

Some remarks of a general nature were made in the early part of this paper. Further remarks are given in conclusion but I wish to make it clear that I mention briefly only a few sociological results that arise from such "matrimonial" conditions as those I have described and that I merely sketch some of the problems that lie in the material we have considered.

One important result of widow-concubinage is matrilocal residence, temporary or permanent. I have discussed modes of residence elsewhere and here it is only necessary to show how they are affected by the prevalence of the various types of union which have been reviewed. In simple legal marriage the first child is born and weaned in its maternal grandparents' home and may be brought up there. But it eventually comes to live with its parents in the village of its pater and his kinsmen, for after weaning her first child a wife joins her husband in his village and there her other children are born. That is the normal procedure. In ghost-marriage it is the same. In leviritic marriage the children and their mother generally remain in the home of the dead pater. In widow-concubinage, however, as we have seen, the children are often born and live, at any rate for some years, away from the home of their paternal kinsmen. The children of unmarried concubines live, when they are small, with their mother, whether she remains in their father's home or takes a lover elsewhere. After a boy has been initiated he normally makes his pater's homestead his permanent home. These statements apply particularly to boys. There is less consistency in the case of girls, as already explained. 587 591

A glance at Diagram No. X shows how matrilocal and patrilocal modes of residence are found side by side as a consequence of widows cohabiting with lovers in the village of their brothers. "The daughters of Jany" live side by side with the "sons of Jany". Nyaruithni ♀ and Nyawal ♀ are widows living at Nyueny with their children, while Nyaudol ♀ is about to join them. Not on account of widowhood, but for other reasons, Nyadang ♀ also lives here with her husband and family, so that four of the daughters of Jany are living with their children in the hamlet of their kinsfolk.

With reference to this matrilocal cluster Bilieu ♂—Lam ♂ said to me: "I live with Meat ♂ who is my maternal uncle, for he brought me up and I was initiated at his home. We share the same byre. He has one half of the byre and I have the other half. In the cattle-camp also we share the same wind-screen and tether our cattle side by side. My position is just like that of Galuak ♂—Rainen ♂. He shares with Panyuan ♂ and I share with Meat ♂". 587 591

Since they live in the village of their maternal kinsfolk these youths with the exception of the sons of Rainen ♂ whose father is resident in the 611 551

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589 591 611 551 village are given matronymics instead of patronymics. Thus at Nyueny one generally speaks of Bilieu ♂—Nyawal ♀ and Malith ♂—Nyaruithni ♀ instead of Bilieu ♂—Lam ♂ and Malith ♂—Rwacar ♂, though at the villages of their paters one would speak of them by their true patronymics. One even hears the sons of Rainen ♂, Nhial ♂ and Galuak ♂, referred to after their mothers' name as *gaat Nyadang* ♀, "sons of Nyadang ♀", because they live in the village of their maternal kinsmen. The same nomenclature is to be observed when a son of an unmarried concubine lives with his mother's people, e.g. Cuol ♂—Mer ♀ who was referred to overleaf.

562 Another point of importance which is very obvious from the facts related in this paper is that marital and domestic conditions among the Nuer indicate the high position of women in their society. The matter cannot be discussed at length here and I will only remark that the facts cited show how freely women move among the Nuer. We have seen that widows settle with lovers without hindrance, that many girls rear a family without consenting to marriage, and woman always take their small children with them when they change households, and that sometimes they even marry wives themselves.

611 The social principle of agnatic descent is, by a kind of paradox, traced through the mother, for the rule is that in virtue of payment of bride-wealth all who are born of the mother are children of her husband. Thus all the children of a woman may be children of a man whom their mother has never even seen. Or a woman may bear children by many men yet they all have one pater. Or, yet again, a woman may bear a child by a man to whom she is not married and to whom she never will be married, but this man is her child's pater by payment of a fee.

602 We see herein the fundamental principle that gives structural uniformity to, and thereby explains, the heterogeneous social elements isolated and described in this paper. I refer to the agnatic principle that is one of the most fundamental principles of Nuer social organization. It runs through the whole gamut of social relations, from ecological relations at one end of the scale to cosmological relations at the other end. This principle is not merely that every man must have a pater, and that he traces his descent through his pater, inherits from his pater, and succeeds to his pater's status. These are contained in the principle and are an expression of it, but, in our opinion, the agnatic principle among the Nuer is essentially the tendency of attachment to agnatic groups or lineages. By such attachment a man becomes a social being for his social personality is acquired from his attachment to these groups, from which he derives also, through mutual assistance, the means of existence and security.

At first sight many of the facts stated in this paper seem to be in direct opposition to this principle. Thus if we take the Jany (Kwenwar) cluster at Nueny it is evidently an aggregate of cognates and affines. The same social conditions can probably be found in every Nuer village. The underlying agnatic principle is therefore in glaring contrast to social actualities. But the actualities are always changing and passing while the principle endures.

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The social configuration of the Jany (Kwenwar) cluster of today will not be the social configuration of tomorrow. As we have seen, the sons of Kwenwar may join their agnatic kinsmen in Lang country. The sons of Jany told me that one day they will leave Nyueny and return to Puic where they can sit in the shade of the tree beneath which their father sat. The sons of Nyaruithni ♀, Nyawal ♀, and Nyaudol ♀ will probably join the kinsmen of their paters. Nhial and Galuak, sons of Rainen, will probably one day join their agnatic kinsmen, the Jikul.

Moreover, if a man remains permanently with a cluster of people who are not his agnatic kinsmen he makes them such by the simple procedure of turning cognates into agnates, i.e. he makes the actualities conform to the principle. He does this by treating the matrilineal link as though it were a patrilineal one. The woman who links a descent group to the lineage among whom they live is reckoned as though she were a man. "She has become a man" as the Nuer themselves say. We see the commencement of this process in the invariable indication of sisters' sons by their maternal kinsmen, if they reside at their mother's homes, by reference to the name of their mothers. The end process is seen in genealogies when a man traces his descent to the dominant lineages of his district through one or more women, so that when he gives you his descent he treats these women as though they were men and if they are not clearly distinguished by a feminine prefix they may even become men.

Our survey of domestic conditions at Nyueny showed everywhere change and confusion. One enquires how so mercurial a system can work. Has there not been some deep error, some serious misunderstanding, in the investigation? I think not. The change and confusion which are so evident in family and domestic associations are not to be seen in the larger social groups, particularly in the lineages. The dynamic social process is there slowed down and is stablised into structure. For it is very apparent that there are two kinship configurations of persons among the Nuer: the one consisting of their domestic interrelations and the other their legal relationships. The domestic interrelations have a relatively low degree of consistency and durability compared with the legal and, in our sense of the word, structural, interrelations.

Living among Nuer it is deeply impressed on one that the lineages are the stable framework of kinship structure and that families, even simple legal families, are, in comparison, loose and unstable associations which are the means by which new structural tissues are formed. Individuals and "family" associations of one kind and another seem to float about, as it were, and have an independent existence. But they are anchored to some lineage, or, if they break away from it sooner or later attached themselves to another lineage, take root in its stem, and become part of its growth.

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